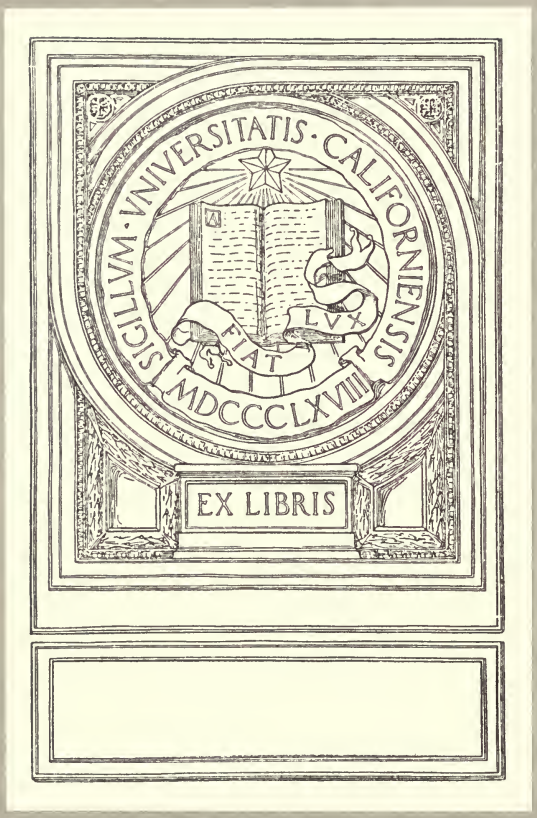
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Elbridge Hemminger

THE

LIFE AND TIMES

OF

C. G. MEMMINGER.

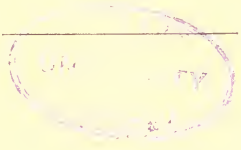
BY

HENRY D. CAPERS, A. M.,

AUTHOR OF "BELLEVUE," "HISTORICAL SKETCHES IN NORTH CAROLINA," ETC.

"One man among a thousand have I found."

Eccles. vii., 28.



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GENERAL

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To Mr. Charles C. Pinckney, Junior:—

Through whose encouragement and generous support I have been enabled to compile this record of a long and useful life; who, as a strong link in the chain that binds the present to the past, preserves many graces of character which descend to posterity as a priceless legacy; and through him, to the youth and the manhood of my country, do I respectfully dedicate this work, an Offering at the Shrine of Patriotism.

HENRY D. CAPERS.

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Introductory.

THE period immediately succeeding the recognition of the United States as a government in the family of nations, was one of active emigration to the land announced as the abiding place of

"Liberty, Equality, and Fraternity."

The genius of our institutions of government had been thus represented and declared among the people of Europe in the aphorism above quoted. Whether this declaration was but the proclaimed theory of the French Jacobin, or whether it was more of a fact than a fancy, I will not attempt to discuss. Nevertheless this is a fact. As in the early Colonial days, so at this time thousands from one consideration or another moving them, left the plains, the hills, and the mountains of the Continent and the Kingdom of Great Britain, to find new homes in the land of promise beyond the great Atlantic Ocean.

From among these emigrants the States forming the New Confederation received some of their best citizens: men and women who have left their impress upon our civilization and who, by their works, are declared to the living and to the generations yet to learn of their virtues and to honor their memories.

South Carolina received to her generous bosom many of these worthy people, and has in the record of their history for the past century, reason to be grateful to the Providence that made them her sons and daughters.

Introductory.—Continued.

The history of the State cannot be written without detailing their virtues of manhood and womanhood. Among these, none have become more illustrious, none have served their country more faithfully, none have left a better record for the careful study of posterity than he, whose history I am endeavoring to preserve.

History is, at best, but a well stated narrative of facts It is not fiction, however much these facts may have associated with them the circumstances of romance. To gather the facts of a personal history running through a half century of active public life, is by no means an easy task, even to one who may have been the contemporary of the person whose history he would write; but when one is dependent upon the records of a public kind, that have been scattered or destroyed, and upon the kindness of those who were actors in the scenes of so long a drama, the difficulties that embarrass his undertaking become so great that he is at times almost in despair. It is much to be regretted that our great men do not leave to posterity at least an autobiographical sketch, a journal, if you please, containing the leading events of their lives; for the saying of Doctor Samuel Johnson is, to an extent, true,

"A man's life is best written by himself."

These lives are so active, and their engagements so exacting, that there is but little time for this. Fortunately the writer has been enabled to gather the facts of this history from the most reliable sources. Whenever he has only a tradition, it will be so stated, and whenever he makes a statement as a fact, the reader may depend upon this statement being supported by the most undoubted authority.

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LIFE AND TIMES OF C. G. MEMMINGER.

CHAPTER I.

His Parentage and Childhood.

ON the ninth day of January, one thousand eight hundred and three, was born in the town of Nayhingen, in the Dukedom of Würtemberg, Germany, CHRISTOPHER GUSTAVUS MEMMINGER, only son of Christopher Godfrey Memminger, Quartermaster of the Prince-Elector's Battalion of Foot Jægers, or Riflemen, and Eberhardina Elisabeth Memminger, whose maiden name had been Kohler.

The following certificate of the birth and baptism of the remarkable man whose history I am writing, is taken from the Register of Baptisms and duly signed by the Deacon in charge at the time it was executed. The certificate, in the German language, is as follows:

Taufschein.

Den 9. Januar, 1803, wurde hier ehelich geboren und den 10. deſſelben Monats getauft:

Chriſtoph Guſtav.

Die Eltern ſind:
Herr Chriſtoph Gottfried Memminger, Quartier Meiſter bey dem churfürſtlichen Fuß Jäger Batallion, und Fr. Eberhardina Eliſabetha—geb. Kohlerin.

Taufzeugen waren:

Herr Johann Michael Kohler, Rathsverwandter und Weißgerber, und deſſen Ehefrau, Frau Sabina Magdalena, Großeltern, und Frau Sabina Gaugerin, Goldarbeiters in Stuttgart Ehefrau.

Daß vorſtehende Angabe dem hieſigen Taufbuche conform ſey bezeugt.
Nayhingen, d. 16. Januar, 1803.

(Signed)
M. Duttenhoffer,
Diaconus.

Translation.

On the 9th day of January, one thousand eight hundred and three, was born in this town, and on the tenth day of the same month was baptized, Christopher Gustavus. His parents are Herr Christopher Godfrey Memminger, Quartermaster of the Prince-Elector's Battalion of Foot Jægers (or Riflemen), and Mrs. Eberhardina Elisabeth Memminger, whose maiden name was Kohler.

The sponsors of the child were his grandparents — namely, Mr. John Michael Kohler, a member of the Town Council, and by trade a tanner, and his wife, Mrs. Sabina Magdalena Kohler, together with Mrs. Sabina Gauger, wife of Mr. Gauger, a goldsmith at Stuttgart.

The foregoing is a true extract from and conformable to the Register of Baptisms. In witness whereof I have signed these presents with my name.

(Signed) M. Duttenhofer, *Deacon.*

Nayhingen, 16 January, 1803.

His father was stationed at the time at Heilbronn, which, he informs us, was a garrisoned town some twenty-seven miles from the home where he had left his wife, for the discharge of a soldier's duty. In anticipation of this most important social event to him, the gallant officer had obtained a furlough and was at home with his precious loves. The following letter, written by him to his sister, is so admirable an expression of the father's natural joy, that I give it place here, the only and sufficient evidence of his worth as a man which could be asked for. The letter is in the German language and in the handwriting of one who was evidently a good pensman as well as an accomplished gentleman. While the translation may not convey the elegance and force of the German language, it will express, without being too liberal, the congratulations of the good father, and plainly indicates that Godfrey Memminger was a man of education, while the tender solicitude and respectful address to his sister evidence a refinement of feeling characteristic of the gentleman every where. Indeed, it could hardly have been otherwise, since his father was an official of no mean rank in the University of Babenhausen

To Madame Goldsmith Gauger
(*Maiden name Memminger*), *at Stuttgart:*

Dear Sister,—I am at present for a few days on furlough and with my dear wife, therefore I answer your kind letter received just before leaving my post.

I now have the pleasure to inform you with the agreeable news that we have born unto us on the 9th of the month, between the hours of 10 and 11 at night, a fine healthful son. . . . He was christened in my absence by the name of Christoph Gustav; his sponsors were father and mother-in-law and yourself by proxy. . . . I hope and trust that you will excuse me with the confidence I have in you and of the friendship and sister's love which you will bring to the responsible situation of sponsor.

To-morrow morning I shall return to our garrison in Heilbronn (27 miles from Nayhingen). In my next furlough I intend to ask for fourteen days and intend to see you. . . .

We salute you and your dear husband affectionately and remain
Your true brother,
Gotfried.

This letter is dated at Nayhingen, January 16, 1803. It will be noticed that it is signed with the christened name of the writer; a custom, I am informed, that prevails in Germany among the military and well-born. Alas! the gallant officer of the Prince-Elector's battalion was not destined to secure another leave of absence, but met the fate of a brave soldier. Within one month from the time that he returned to his post of duty, a grave at Heilbronn became the resting place of Christopher Godfrey Memminger, and the soldier was off duty forever.

The name Memminger appears to be not only well known in the kingdom of Würtemberg, but several members of the family have at different times reached distinction there and elsewhere in the German Empire.

Johann Friedrich Memminger, the grandfather of Christopher Gustavus, was at one time an officer of rank in the University of Babenhausen.

Henri Memminger, the son of Gustavus, and the first cousin of our Mr. Memminger, appears to have achieved

considerable distinction in letters. The following notice of his death appeared in the *Indépendance Belge*, a newspaper published at Brussels. I find it attached to a letter from Mr. Memminger's uncle, addressed to him at Charleston, and dated at Verdun, 1st of December, 1855.

"M. Henri Memminger, l'un des directeurs du célèbre établissement de Seraing, est mort à Jemappes le 4 février dernier. M. Memminger né à Mayence en 1791 habitait la Belgique depuis 1853. A cette époque, il était directeur des bâteaux à vapeur de Mayence à Cologne, les premiers qui aient été etablis sur le Rhin. C'est alors que M. Cockerille le fit venir à Liège, ou il dirigea la construction des premiers bâteaux à vapeur en Belgique.

"M. Memminger possédait toutes les langues de l'Europe et les parlait avec facilité; il pouvait ainsi diriger toute la correspondance de l'établissement sans jamais recourir à un interprète.

"Malgré see nombreuses occupations, M. Memminger trouvait encore des loisirs pour s'occuper de l'étude des beaux-arts et des lettres. Versé dans la connaissance des auteurs anciens, il ne se contentait pas de parler les divers langues de l'Europe, il en possédait la litterature d'une manière remarquable."

M. Henri Memminger était neveu d'un de nos concitoyens, M. Memminger.

I am informed that there is a handsome monument in the city of Brussels to the memory of Mr. Henri Memminger near La Gare du Nord.

The years immediately following the death of Godfrey Memminger were eventful in Europe. Napoleon was waging his wonderful wars of conquest and carrying his victorious armies through the German States to leave in their rear the ruins of once happy homes and the wretchedness that follows the tramp of contending hosts. Thousands, who could secure the means, were leaving their fatherland and through many adversities were seeking release from their woes in the land of Washington.

Among these was John Michael Kohler, who, with his family, emigrated to America, and reached, first, the city of Charleston, then among the most prominent seaports of the

United States. Accompanying Mr. Kohler was his daughter, Eberhardina Memminger, and her only son, Christopher Gustavus. Shortly after reaching Charleston the gentle mother, worn with her long and exhausting voyage, succumbed to disease, and left her bright boy, the sole representative of his name in America, to join her gallant husband beyond the stars.

Of this mother I am not informed, except in a single sentence in a letter written to Mr. Memminger in 1837, by an aunt, the sister of his father, who speaks of her as a lovely woman. The reader will pardon me here for expressing a regret that I cannot give more information as to the history of the mother. It may be readily conjectured, however, that she possessed a decided character, transmitting by a law of heredity almost invariable in its action, her mental endowments and moral graces to her only son. Great and good men are only the offspring of great and good mothers. So well established is this fact that I apprehend it would be difficult to find in the history of the human family a marked exception to the general rule. Natural laws, ever acting to produce the evolution of man, remain the same with the human family as they are recognized to exist and to act among inferior animals. The mother of Memminger the infant, was also the mother of Memminger the man of earnest purpose, commanding ability, and a strong physical constitution.

Our higher nature—whether we are pleased to consider it the expression of intellectual endowments alone, or whether we would associate with it a "supervising deity," called the soul—is but a gem held within a casket, not alone, but so intimately associated and directly connected with the casket, that the frailty of the latter is the imperfection, the injury and ultimately the destruction of the other.

Mr. Kohler, the grandfather, does not appear to have remained long in Charleston. He removed to Philadelphia,

and his family, with the exception of his grandson Memminger, shortly after followed him there. A most important event in the history of Mr. Memminger occurred at this time—an event which was even at his tender age of infancy to turn the current of his life, and to prove, in the end, the providential means of securing to him a career of great honor and usefulness, while it gave to Charleston and to South Carolina one who was to be among the worthiest of citizens. When he was but four years old, the orphan boy of Würtemberg was entered formally at the "Orphan's House" of Charleston, and there found, with noble men and women to direct his course, the initial point from which we may begin to trace his remarkable and noble career. The entry of this important event in the life of Mr. Memminger is distinctly made in the records of the institution. It is in these words:

THURSDAY, 29th January, 1807.

Present: John B. Holmes, Nathaniel Russel, Daniel Hall, John Parker (Commissioners)---

Took into consideration the application of Magdalena Kohler for the admission of her grandchild, Christopher Gustavus Memminger, aged four years, and agreed thereto.

One of the most beneficent institutions among the many that have long evidenced the spirit of the citizens of Charleston is the Asylum for Orphans, founded more than a century ago, and for all this period fostered by the genius of a noble people, who make the good city by the sea a type of Christian civilization. As a home for worthy children bereft of parents, and a place where the care and solicitudes of a father and mother are substituted by a generous Providence, there are but few the equals and none superior to the Orphans' Home of Charleston, either in Europe or America. From the tenderest age of infancy, until the youth is prepared to enter upon some useful and honorable vocation, the watchful care of excellent matrons and the tutorage of ac-

complished men and women, supervised by a Board of Commissioners selected from among the representative men of the city, guide the tottering steps of infancy, and furnish every appliance for a thorough common school education.

I am much indebted to Miss Agnes K. Irving, the accomplished Principal of this noble institution, for a beautiful volume containing the proceedings of the Centennial celebration held October 18, 1890. From its interesting pages I extract the following salutatory address, written by Thomas M. Hanckle, Esq., and delivered by Master J. Elliot Alex, a little orphan boy of nine years.

This address well expresses the character of the institution and the spirit of the people who, for more than a century, have kept a sacred fire burning upon its holy altar.

ADDRESS.

That is a beautiful and touching custom of happy families which celebrates the birthday of each loved child of the household, and by smiles and gifts and gentle words, and merry sports, loads each passing hour with the beauty and the fragrance of domestic affection.

On such a day, father and mother unite their thanks, as they recall the hour in which they received the sweet, bright gift of God.

On that day the happy child feels a dignity in his little life, and year after year learns to value more and more, the tender love which has followed him all his days, and with anxious yearnings, has watched for his growth in wisdom as he grows in stature.

Most fitting and grateful then is this Centennial celebration of the day on which the noble city of Charleston, adopted as her own, the poor and forsaken orphans of the city and gathered them for all time within the merciful arms of her love and protection.

It is the Orphan's Birthday—the day of his adoption.

Nearly one hundred years ago, the last blow was struck which completed the venerable pile around which with generous pride, the warm affection, and the benevolent interests of Charleston were clustered so long.

Her people, still staggering under the shock of the Revolution, found time to conceive the plan of this noble charity; and her citizens, still impoverished by a wasting war, found means, with frugal zeal and willing hands, to build the home of the fatherless.

On that day more than one hundred children orphaned, helpless,

destitute and friendless, were gathered within its walls, and the Orphans' Home began its career of mercy and usefulness as an Institution of the city.

On that day the event was honored with public rejoicings, with mutual congratulations, and with thanksgiving to God.

And to-day we celebrate, not only the Orphan's Birthday, but the day-spring of a wise and liberal charity.

Anniversaries like these are the resting places of memory.

As the revolving years tell the age of the world, and record its history, so do anniversaries like these, mark the progress of each lesser life and preserve its memories. Well may we celebrate this day, then, with solemn procession, with the swelling strains of music, with songs of joy, and hymns of praise.

On this bright festival day of commemoration and rejoicing, kind and respected friends, do the adopted children of the city bring you greeting. They greet you with congratulations that health and prosperity have been the portion of our city and our Institution.

They would rejoice with you, that each passing year has but served to make the foundations of our "House" deeper and stronger—to give new energy to its mission of mercy, and to lend a new grace to the peaceful annals of its walls.

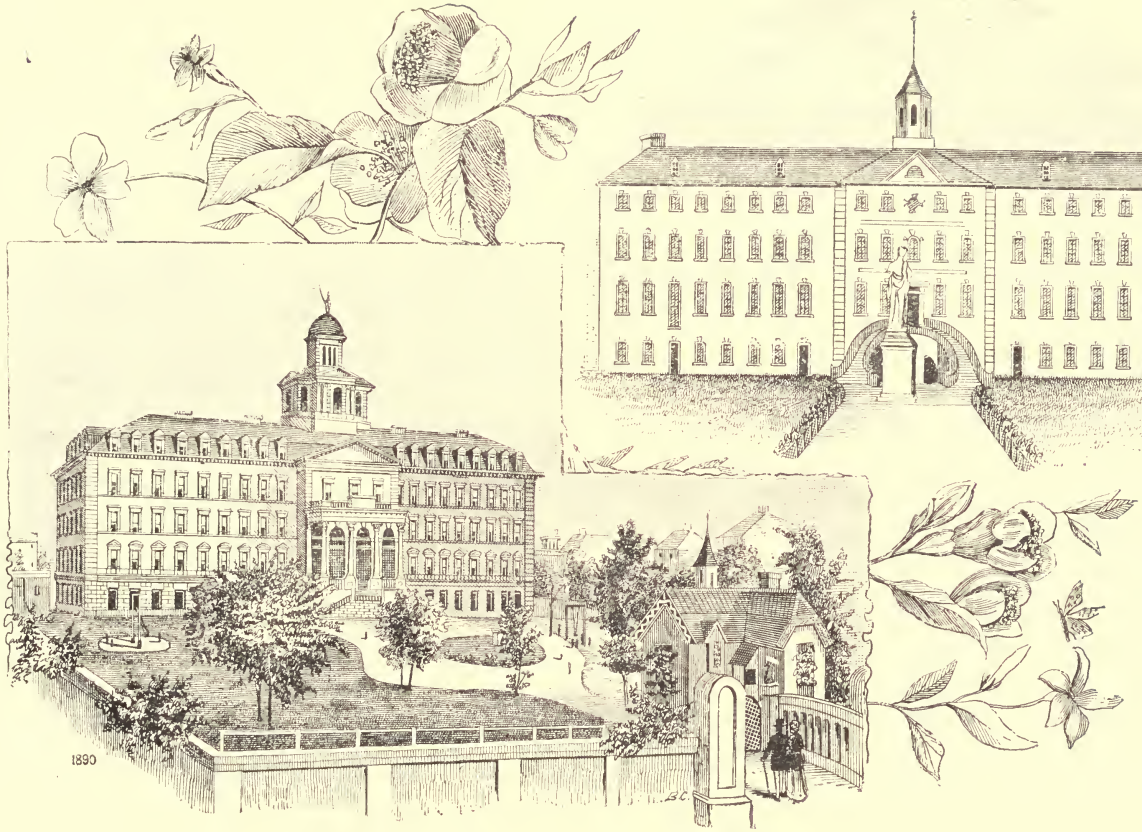
They are glad to greet those whose generous aid supports our Institution, and the children, and the children's children of those who laid its foundations.

And they are happy to say that they bring with them the testimonials of their teachers and guardians, that they have endeavored to profit by the many advantages by which they are surrounded.

We greet you, children of happy families, who have come to unite in our festival, with our youthful sympathy. Like you. we, too, are endeavoring to fit ourselves for the life that lies before us, and we trust that we shall one day meet you in the fields of labor, or wherever else our duty shall call us, ready to do our city and our State true and unselfish service, and to express our gratitude by our acts.

We greet you, Mr. Mayor, and gentlemen of the Council, with our thanks for the liberal supplies you have so cheerfully voted for our support; for the interest you have always manifested in our welfare, and for your presence to-day to give dignity and importance to this occasion.

We greet you, gentlemen of the Board of Commissioners, with our congratulations on your wise and successful administration of this noble charity, and with our warmest gratitude for the untiring zeal and tender care with which you have watched our comfort, our improvement and our happiness. To you, Reverend Sirs, who from Sabbath to Sabbath break to us the "Bread of Life," we bring our heartfelt greetings and thanks.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1890

We bring our warmest greetings to you, our beloved Principal, Teachers and Matrons, and to you, our dear and kind Physician.

We have no words to express all we owe to you.

In your wise and gentle hands the cold charity of the world has been warmed into the melting tenderness of home and household. The God of the Fatherless alone can give you your wages.

Again, we greet all that are present here to-day, with the prayer that this day, so eagerly anticipated and so keenly enjoyed by us, may be to them, a day of mingled peace and blessing in all their happy homes.

It was at this Home that the orphan boy of Nayhingen found a sweet solace for the woe that had deprived him of a father's care and a mother's love, and it was here that the impress of manly virtues became fixed in his mind. Here it was that the foundation was laid upon which the youth and the young man afterwards erected the splendid superstructure of his character. Here that he found a friend in Mr. Thomas Bennett, who took him, at the age of eleven, into his own family, and became to him in every sense a foster-father. There is somewhat a parallel in the childhood life of Mr. Memminger and that of Sir Michael Faraday, the great English scientist and successor to Sir Humphrey Davy. Both of these eminent men were the recipients of benefactions at an early age, and both were led to their benefactors by a chain of circumstances that I am not disposed to consider accidental. "There's a divinity that shapes our ends," says Shakespeare in *Hamlet*, who would thus account for the moral forces constantly at work in our humanity and inciting us to action. "There is a fatality in being," says another; and yet another, greater than all, whose teachings Mr. Memminger accepted in his mature age, who assures us that even the "sparrows" have the supervising care of a great Creator who, in the appointments of his Providence, is not alone the Author, but who is the Director of all the issues of life. It is immaterial whether we accept the explanation of the one or the other, the fact still remains as a fact long observed that men often fail in

life with the most promising and propitious circumstances investing them, while others, with none of these environments, appear to be Fortune's master and Fortune's favorites. Whether found "*drawing at a well*," or "*grinding at a mill*," the one is chosen and the other is left.

The reader will pray indulge me while I present another thought suggested by the study of these remarkable lives. Judicious labor and earnest zeal, the persistent purpose of a determined, positive nature, are the essential conditions on which one is permitted to receive the smiles of Fortune. "The gods help them who help themselves," is not alone a trite maxim, older than Æsop's philosophy, but quite as true as it is old. Those are most apt to succeed in life who deserve success, and to be deserving one must conform to the exacting conditions upon which bread was promised to our recreant parents in Paradise; he must learn to labor, to watch and wait. Nothing is or can be denied to well-directed labor, and nothing worth the having can be secured without it. Again, those men who have been the most useful in life, whether in Church or State, or in directing the industrial pursuits of society—who have left behind them a history that only brightens as the ages go by—are those who, in a slow and careful development of the powers of the mind and a uniform practice of the virtues of true manhood, have preserved their individuality, while they have adhered to the principles, recognised the precedents and profited by the experiences of those who had preceded them on the stage of life. It is not the most brilliant intellect that is the least erratic, nor is it he who has a birth-right that for this reason alone must become the great man and the good citizen. "Honor and shame from no conditions rise." It is a weakness of our humanity to regard what we are pleased to call misfortunes, and especially those which deprive us of wealth and the caste in which that possession sometimes expresses

its power, as being disgraceful and of necessity humiliating to the spirit of a proud man. While the possession of wealth brings a certain degree of independence, and may add dignity to the surroundings of those who properly use it, by no means does it follow that poverty is a badge of disgrace.

This is especially true with the young, who, though inconvenienced and often made to suffer through the improvidence or misfortunes of their parents, are yet without the experiences of turpitude, the essential precursor of disgrace. It is only a very vain and very weak person who would seek to hide away in oblivion or to obscure with falsehood an humble origin, or an association with those who had been the recipients of so noble a charity as that of the Charleston Orphan House.

I have taken up my pen to write the history of a great man, whose character and achievements are not dependent upon the suppression of a single fact of his history, as it cannot be added to by the mere platitudes of eulogy. Mr. Memminger, not even when he had acquired fortune, when his fame as a great lawyer was well secured, and his name had become a household word with the people of the Southern States—who delight to honor their statesmen—not only when as a Cabinet officer he sat at the Council Board of President Davis, recognised as his most trusted adviser, did he ever boast of, or in any manner deny, the fact of his orphanage or the benefaction he had received in his childhood. Whenever occasion required him to make reference to this period in his history, it was never that he did so with the boasting spirit of the so-called "self-made" man, nor was it with the mean evasion that the vain person alone evidences, but always with a manly frankness and a grateful sense of a kindness bestowed, that could but exalt him in the estimation of all right-thinking people. In after years, when as an alderman and a citizen of wealth and influence

in Charleston, he was in position to do so, he not only became a Commissioner to guard the institution that had been his childhood's home, but with a solicitude which could only have come from his experiences, he would watch the education and minister in the gentlest manner to the comfort of the children who were, as he had been, the wards of the city. As his biographer, I consider that it would not be just to the character of my noble friend, nor would it be more than a partial discharge of the duty I owe to posterity should I omit this most interesting period of his life. A gentleman of high character, now residing in Charleston, informs me that he, in a public speech of Mr. Memminger's long, long ago, remembers only this sentence:

. . . "Not that I would object to have any son of mine sit by the side of the poorest boy in the land, for I have not forgotten that I was once a poor boy myself."

Leaving the nursery, the play-grounds, the school-room and sympathies of the Orphan House at the tender age of eleven years, young Memminger found himself a part of the family of an excellent gentleman whose many graces of character were to infuse themselves into the plastic nature of a clever boy, while his ample fortune enabled him to secure for his protegé the best facilities that the country offered for securing an education. At the time that young Memminger was adopted into his family, Mr. Bennett had not only reached distinction, but was recognized in Charleston and throughout the State of South Carolina as a representative man among the men who in that day made the peculiar virtues of Carolina civilization admirable even in the courtly circles of Europe. Around the fireside or in the counsels of the nursery, at the dinner table or in the drawing-room, there were no associations but those of the Christian gentleman, the devoted patriot, and the upright citizen. The refinements of a cultured family were there to inculcate the virtues of a true manhood.

From boyhood to manhood is but a short period in the evolution of character, but it is a most important and interesting one. It is then that the boy needs the constant care of one whose disinterested love and experiences are to lead him in the right way, and are to secure to him the facilities for mental training and proper physical as well as moral cultivation. The germs or elemental principles of character may have, and undoubtedly do come through laws of heredity, but it requires patient watchfulness and good training to educe possibilities which otherwise may remain dormant or become perverted to base ends and ignoble purposes.

At the home of Governor Bennett, young Memminger was made to feel that he was at his own home, and without a word or an act to indicate a distinction, he was treated in every sense as a son and a brother. The best training that tutors could give was provided for him, while on his young mind and aspiring nature a lofty ambition and determined purpose was fixed by one who took him gently by the hand and lead his thoughts into deep channels of truth, and who strengthened his spirit by a noble example of manhood. It was in such an elemental school that destiny had ordained that the future statesman was to be tutored, and not in the home of his good Aunt Frederica at Stuttgart, in Germany. In after years, when her nephew was fast coming into prominence as a public man, and was winning his first laurels in his city and State, this noble kinswoman sends across the Atlantic this message of love: "It was my intention to raise you in my family, and if I had what would I have done? May be I would have deterred you from your destiny decreed to you, as I believe, by the Almighty Creator."

This "*destiny*" was preparing her "*lovely Gustavus,*" as she endearingly addresses him in her letter, for a life of usefulness and for a chaplet of honor in far away America, just as it is to-day—

"Shaping our ends, rough-hew them how we will."

The letter of his aunt, Madame Frederica Gauger (formerly Memminger), above referred to, is a beautiful expression of a woman's tender regard for a relative of whom she evidently had lost trace, but whom she yet held dear in her memory. It is dated at "Blumenmacherci in der Hauptstrasse, Stuttgard, Würtemberg." I extract from it the following sentence:

. . . When I consider the emigration of your honorable grandfather and your beloved mother, the great persuasion I used to deter them from such an uncertain project in a far distant part of the world, I am, by your achievement, reminded that there is an All-wise Dispenser of human events who governs the affairs of His children better than they are at times disposed to believe.

CHAPTER II.

His College Life and Admission to Bar, Etc.

. . . . . .

WITH the thorough preparation that his academic course in Charleston gave to him, Mr. Memminger was entered as a student in the South Carolina College in the year 1815, before he had reached his thirteenth birthday. He came well equipped for the trials which all must undergo who enter an institution of so high a grade, and desire to enjoy its benefits and to contend for its honors.

His class in the Freshman year was a large one, and embraced through his college course a number of young men who were his seniors in years, and a few who in after life became distinguished citizens of South Carolina and of other States. At this period in its history the South Carolina College took high rank among the institutions of learning in the United States, and was in fact the leading college of the Southern States. Here, young men came from all sections of the South, and from its classic shades and well-appointed halls were sent out men who for near a century have impressed their virtues upon the civilization of all sections of our country. Appreciating fully the importance of a liberal education for her sons, and not yet distracted by the political discords that in after years wasted her resources, and which to some extent appear to have alienated the sympathies of her people, South Carolina made ample provision for the maintenance of this college; and in fact, by the judicious expenditure of these appropriations made it a great fountain of knowledge, whose pure waters were liberally dispensed to make useful men of those who were disposed to

drink deep at its Pierian spring. At the time of which I am writing the college had just undergone a severe trial in the enforcement of such discipline as the Faculty were then authorized to execute. The students appear, from the account given by Professor La Borde, in his history of the Institution, to have resorted to violence in resenting what they were pleased to consider grievances, and for some time after the great riot of 1813 they appear to have remained in a state of more or less disorder, if not in open rebellion against the constituted authorities. Dr. Jonathan Maxey, the philosopher and eminent divine, was the President; Robert Henry was Professor of Moral Philosophy; the great Doctor Cooper, of Chemistry; Thomas Park, of Languages, and George Blackburn of Mathematics and Astronomy. The tutors were Timothy D. Porter, of Languages, and James Camak, of Mathematics.

The classmates of Mr. Memminger were Henry Campbell, John Campbell, Ulrick B. Clark, Wm. R. Clowney, Charles James Colcock, Mark A. Cooper, John M. Deas, Franklin H. Elmore, James A. Fleming, Benjamin Green, Samuel M. Green, Ezra M. Gregg, James A. Groves, John S. Groves, John M. Harris, Samuel J. Hoey, Benjamin F. Linton, Thos. Jefferson Means, Henry G. Nixon, John A. H. Norman Edward G. Palmer, James S. Pope, Wm. Porcher, John M. Ross, Napoleon B. Scriven, Samuel P. Simpson, Joseph Stark Sims, James E. Smith, Thomas House Taylor, Wm. H. Taylor, and Edward Thomas.

From a circular issued by the President in 1819, the following I find to be the requisite in order to enter the Freshman class:

A candidate must be able to sustain a satisfactory examination upon Arithmetic and Elementary Algebra and English Grammar; upon Cornelius Nepos, Cæsar, Sallust, and the whole of Virgil's Æneid in Latin; and in Greek upon the Gospels of Sts. John and Luke, the Acts of the Apostles, and the Greek Grammar. . . . The studies to be pursued

in the Freshman year are Cicero's Orations and the Odes of Horace in Latin, Xenophon's Cyropœdia and Memorabilia in Greek, Adam's Roman Antiquities, Vulgar and Decimal Fractions, the Equations and Extraction of Roots, English Grammar and Rhetoric.

What youth of twelve summers, even in this day, would have passed the ordeal of such an examination, and held not only a respectable place in his class, but have led it as did young Memminger.

The writer was privileged to know, in the maturity of their lives, and to an extent was intimate with, the Hon. Mark A. Cooper and Rev. John S. Groves, citizens of Georgia, who entered college with Mr. Memminger, and during the entire course knew him as only class-mates and room-mates can know each other. From these gentlemen I have gathered all that I present of the college life of Mr. Memminger, beyond that he has preserved in the form of essays and orations which appear in the Appendix to this volume. I am especially indebted to my excellent friend, Rev. John S. Groves, of Oxford, Georgia, for the pleasure he has afforded me in going over these happy days of his youth, and for the entertainment he has given me as with that zeal which only a loving nature can manifest he would live over his college life, and with song and with story recount the incidents that made the college boy then, as he always has been and must ever be, a peculiarly interesting character.

"Memminger," says Mr. Groves in a sketch made by him for me, "was the smallest in stature, as he was the youngest in years, of the boys who entered with me the South Carolina College in 1815. His appearance, when I first saw him, was that of a mere child. In those days boys were not permitted to assume the roll of grown men, and in dress, as well as in behavior, were less precocious than in these later days of Young America. This was especially so with the boys from our seaboard city of Charleston. With his back to you, and dressed as he was in a neat-fitting 'round-about'

or jacket, you would have thought him to have been one of the children of Columbia who had wandered into the campus, so small was he and so childlike in appearance, but let him turn and face you, and then enter into conversation with him, and you would be at once undeceived. His manner was all earnestness, while his facial expression was that of a person far his senior in age. His most attractive feature was his eye—a blueish-gray—and always at perfect rest when he was speaking to you. He seemed to be looking into your mind, and if he was interested or seeking to impress you with his discourse, you would be held as if by a magnetic force. His face was lean, complexion very fair, nose very prominent, chin rather an oval termination of a strong, well-formed maxillary, with a mouth rather large, and thin, compressed lips—so much compressed at times that his mouth appeared but as a line. His hair was a dark brown, almost black. Memminger had an expression under all circumstances of earnestness; I cannot say it was an expression of melancholly, but it was more that of care, of serious deliberation. He was the student of our class. We had not been ten days on our course before he was in the lead. His recitations were prepared with the utmost care, and while at times he would enter heartily into the sports of the campus, yet I never knew him charged with an indiscretion that would necessitate an apology to a class-mate or a rebuke from a Professor.

"I soon learned not only to like him, but to have for the 'Charleston boy,' as we called him, a great respect. He was very laborious and never an idler. For some time we were room-mates. Often have I been rebuked by finding him at work with his text-books when I would come in late from some social entertainment. Mr. Memminger was born for a leader. Young as he was, in years a mere child, yet in the debating society or at our class-meetings, whenever there

was a doubt about a course of procedure, and we were, as all college boys will be, at our council board, Memminger's opinions were very apt to be our rule of action; especially was it so towards the close of our college term. He would wait until all had delivered their wisdom, and then come with a statement of the case that was clear and convincing. I cannot say that he was regarded as having a mind of flashing brilliancy in the sense that General Toombs or Ben Hill are by some regarded; but he had, in my opinion, a more judicial mind than either of them. There was no meteoric light about it, but the clear, steady light of a planet. I was much impressed with his strict adherence to rules and his devotion to principles while he was in college. These rules for the conduct of his life were prepared for him by some sincere friend, and he had them written upon a tablet, and ever before his mind as the inflexible law of his college life which no possible temptation could lead him to forget.

"While he was not a member, as I now remember, of any religious society, yet he always attended upon the services at the chapel, and was scrupulously careful in observing his morning and evening devotions.

"After graduation our lives diverged. He remained in his loved Carolina while I moved elsewhere. I have followed his course in public life with much pleasure, and would only have been surprised if he had not made the record he has among the great men of the country. His orations in the Junior class, and one while he was a Senior in 1819, on the '*Influence of Popular Opinion*,' were well received at the time and gave evidences then of a fact, now assured, that nature had cast his mind in no ordinary mould. He possessed to a degree I have never known surpassed the faculty of concentration. I have known him when surrounded by a troup of boisterous college boys to continue his studies amid every kind of interruption."

I extract from a letter written by the Hon. Mark A. Cooper, a United States Senator, and among the ablest and most honored citizen of Georgia, the following:

I am not unmindful of my promise to you, made some time ago, to prepare a sketch of the college days of my old friend, Mr. Memminger, of South Carolina. I have only delayed because at my advanced age I find it by no means as easy to handle a pen as in the days gone by—alas, gone by forever! . . . My delay has at least given me the pleasure of reading a letter from you which be assured is highly appreciated. . . . From the first time I met him, a mere boy, when we matriculated at the South Carolina College, to this moment, I have had for C. G. Memminger the utmost respect. I well remember him, a delicately framed boy, who appeared to be too young to be away from home influences, and by several years the youngest of those who entered the Freshman class of 1815. There was in his childish appearance that which to a stranger might have detracted from the dignified personnel of a collegiate, yet there was in his intellectual eye and impressive face the undoubted expression of a mind that would command respect from those who were larger in physical proportion or who were older in years.

At college he was very attentive to his duties, a close and critical student, and in every sense of the term a clever youth. There were others in our class who were thought to possess more brilliant intellects, but none who were more earnest in their labors or more direct in their methods. I can recall several who have never reached a place of note, or became at all distinguished, who were regarded in their college days as being more talented than Memminger; . . . but none who were superior to him in that painstaking labor and thorough analysis so essential to the acquisition of knowledge, and to its judicious application in the affairs of life. We were members of the same debating society—the Clariosophic. I have often listened to him in debate with great satisfaction, and have found him by no means an antagonist to be lightly considered. Mr. Memminger's success in life was all foreshadowed in his college days. That he should have reached the eminent position among our great men that now renders his name distinguished is no matter of surprise to me. . . .

Some of the orations referred to by Mr. Groves are printed in the Appendix to this volume. They plainly indicate the strength of the youth's mind. For these papers I am indebted to Mr. Edward Memminger, of Flat Rock, a worthy son, as I am for others that have been long treasured as family heirlooms.

The prescribed college course has been finished, and the time comes when the Freshman has matured into the dignified Senior, who, in the presence of the august guardians of his alma-mater and before the assembled populace, is to receive the official certificate of his proficiency and be ushered into the arena of life to meet its duties and to engage in its combats; to go down before these in the ignominy of failure, or to acquire fame and the emoluments of victory, the honors of men, and more than all the approval of his own conscious manhood, and the esteem of his fellow-citizens. The merit and demerit marks have all been counted by the professors, when it is announced that the gray-eyed boy from Charleston has by his proficiency won the second place of distinction in a large and talented class, and has been awarded the honor of delivering the salutatory address at the "Commencement" exercises. The young gentleman who contended with Mr. Memminger for the "First Honor" was Mr. Thomas House Taylor, who won it by so small an advantage that the Faculty were for some time in doubt. A few years later brought about a change in the rules of the college, making the "First Honor" graduate the salutatorian, and awarding to the "Second Honor" the valedictory address, and such is the custom to-day. When young Memminger, proud of his triumph, was presented by the venerable president, there was not before him in that happy audience the beating heart of a father, or was there awaiting him the loving embrace of a mother. The gallant officer of the Prince-Elector's battalion and the patient, proud-spirited mother could only have been near their loved boy in some spirit form, some sweet relation of affinities, that some tell us bring, even from the infinite world, the loves that have left us in this world. Who shall say that it was not so! There was one there, however, to press the hand of his boy, whom he had taken into his own household and to whom he

was not only disposed to express his congratulations, but about whom he was ready to place the strong arm of his protecting care in the future struggles of life. This was Gov. Thomas H. Bennett, the foster-father, in every sense of the word, of the deserving graduate.

I do not consider that it would be just to the spirit of my honored friend, whose history I am writing, should I not present more prominently than I have done the character of Governor Bennett, for whom Mr. Memminger always entertained the greatest respect and a love engendered by the noble nature of his generous friend and benefactor.

Returning to Charleston from his successful college course with his well-earned honor, Mr. Memminger entered the law office of Mr. Joseph Bennett, the brother of the Governor. In those days admission to the privileges and emoluments of the legal profession was only possible in South Carolina after a course of study that would in these latter days of rapid evolution be considered in some sections as amounting to a qualified interdiction. It was well that it was so.

The youth of Mr. Memminger was in his favor, while the training that his superior mind had received the better prepared him to grasp the subtle realities of the logical science he had determined to master. In the year 1820, when he formally began his law course, the Bar of Charleston was, as it has ever been, noted for the number of eminent lawyers who were practising there in the State and Federal courts. There could have been no better standards of professional ethics, as there were no higher expressions of the learning and the eloquence of the lawyer and advocate; no better school in which to absorb by the contact of association, as there was no better forum for the exhibition of the noblest expressions of true manliness. It was then that Stephen D. Miller, Hugh S. Legare, Henry L. Pinckney, James L. Pettigru, Robert Y. Hayne, Henry Bailey, Daniel and Alfred

Huger, B. F. Hunt, Richard Yeadon, W. G. Dessassure, Alexander Mazyck, were among the master spirits of the court-room; when, at the General Sessions, the Court of Common Pleas, or at Chancery, Johnston, Harper, O'Neal, Butler, Dunkin, Richardson, Wardlaw, Earle, and Evans presided with a grace that would have done honor to Westminster or the King's Bench in the palmiest day of English jurisprudence. It was then that Calhoun, McDuffie, Cheves, and Hayne were statesmen expressing thoughts that were to outlive the centuries and "wander through eternity."

Among the young men just then coming to the Bar was Edward McCrady. For him Mr. Memminger formed an attachment, which was warmly reciprocated, and which continued an unbroken friendship during more than the average life of men. It has recently been my pleasure to converse with Mr. McCrady, who, at this writing, is still in life, and at the advanced age of ninety-three retains to a remarkable degree the faculties of his mind and a physical strength which I hope will prolong his useful life far into the "serene and solemn beauty of old age." Mr. McCrady describes his then young friend Memminger as being a man of untiring energy, a close, careful student, who lost no opportunity to acquire an accurate knowledge of the principles and the practice of his chosen profession; sincere in his convictions and devoted in the discharge of duty. "He possessed," said Mr. McCrady, "to an extent I have never known surpassed the ability to state a proposition and lay a case before a judge or a jury as clearly as it possibly could be done. There was nothing superfluous, no redundant expression; but stripped of all extraneous matters the proposition or case would be stated by him so clearly that there could be no mistaking it."

At this time there was an association among the men of letters in Charleston, known as the "*Conversational and De-*

bating Society," to which Mr. Memminger was introduced, and of which he became an active member and regular attendant. The object of the association appears to have been "for the improvement of the mind and the cultivation of the amenities of life." It was in fact a social club, somewhat similar to the "Kit-Kat" and old October Clubs of London in the days of Johnson, Goldsmith, Reynolds, and other worthies of their day. The current topics of the day were informally discussed, essays were read, and occasionally such subjects as were of special interest were debated to the great pleasure and profit of those who were present. This institution was established at an early period in the history of Charleston, as I am informed by Judge George S. Bryan, and numbered among its members those who were prominent in all the pursuits of life—clergymen, lawyers, doctors, men of letters, and those engaged in commerce or the business pursuits of the city. The writer can well understand that while Mr. Memminger was preparing himself for the duties of his profession, the associations of this club were of great benefit to him. Among the gifted and accomplished men he met there any young gentleman possessing the natural abilities of Mr. Memminger must have received valuable suggestions, as he must also have been impressed with that imprimatur of manhood that made this era in our State's history one of peculiar attractiveness. This club was in existence for near a century. It was reorganized in 1842, but appears now to have suffered the fate of other institutions of our ante-bellum civilization, and to have gone into that wretched tomb which an unsuccessful revolution prepared, not alone for our material interests, but, alas! for the spirit and, to too great an extent, the æsthetic culture of a gallant people.

I find among the papers of Mr. Memminger the reported proceedings of another club, which I apprehend was formed

among the young lawyers of Charleston. The name, as given in our English participle—"The Lying Club"—is not so classic as it might have been made, but it is none the less suggestive. This club met, as it appears from the proceedings, in general sessions, at the Charleston Coffee-House, a temple whose fame in that goodly day was as great in the old city by the sea as was that of Mercury in ancient Athens. From the old and well-authenticated records of this club it is clear that Mr. Memminger's was one of those happy tempers which varied at times the stern realities of life with the genuine good humor of a merry soul.

He had the sweet humors of a happy disposition moving as a deep undercurrent in his strong and manly nature. There was no element of the cynic, no asceticism in his character. Under no circumstances did he ever display the solemn phariseeism of a Uriah Heap.

In after years, when he was burdened with the cares, the responsibilities, and many vexing annoyances of a Cabinet officer, the writer was brought into intimate official relations with him as the chief clerk and disbursing officer of the Confederate Treasury Department, and was admitted into his confidence as his private secretary and executive officer for at least one year of his term of service. I never knew him to lose control of his temper; never at any time, even when annoyed, as but few officials could be, and always found him ready at the proper time and place to enjoy a good joke, and to relish, with a keen sense of appreciation, a genuine witticism.

In his infancy his grandparents, who were then his guardians, did not realize the advantage of having him made an American citizen under the provisions of the naturalization laws then of force. He could not be admitted to the Bar as an attorney and counsellor-at-law until this step had been taken. Under the auspices of Mr. Van Buren, an act of

Congress providing for such cases was passed, and under its provisions Mr. Memminger became an American citizen. The following is a copy of the certificate issued by the United States District Court:

UNITED STATES OF AMERICA—SOUTH CAROLINA DISTRICT.

To all to whom these presents may come—greeting:

Whereas at a Federal District Court, held in the city of Charleston, under the jurisdiction of the United States of America, on the 22d day of June, Anno Domini, 1824, and in the 48th year of the Independence and sovereignty of the said States, Christopher Gustavus Memminger, late of the Duchy of Wurtemberg, in the electorate of Suabia, came into the said court and made application to be admitted a citizen of these, our said States, and having complied with all of the conditions and requisites of the acts of Congress in such case made and provided for establishing a uniform rule for naturalization; and the oath to support the Constitution of the United States of America, and to renounce all allegiance and fidelity to every foreign prince, potentate, State, or sovereignty whatever, being administered unto him in open court before the Honorable Thomas Lee, District Judge, he, the said Christopher Gustavus Memminger is, by virtue thereof and the premises, declared and enrolled a citizen of the said States.

In testimony whereof, I have fixed the seal of the said court to these presents, at the city of Charleston, in the district aforesaid, the day and year above written.

[Signed] JAMES JERVEY,
District Clerk, S. C. D.

It is fact of note that two of the most prominent and trusted officers of the Cabinet of President Davis were foreign born—Judah P. Benjamin and Mr. Memminger. It does not appear that Mr. Benjamin was ever a citizen *de jure* of the United States. He moved on in his remarkable career, reaching eminence as a lawyer and distinction as a Senator; became famous as a brilliant expounder of constitutional law; championed the cause of the Southern States, and subsequently throughout the administration of President Davis, became his trusted counsellor in the Law Department, the War Department, and finally, as Secretary of State, without ever having renounced his allegiance to the

British Government. Not so with Mr. Memminger, the equal in many respects of the gifted Englishman from Louisiana, and, as the writer believes, his superior in those characteristics that mark the upright man who feared God and worked righteously.

The delay incident to securing the privileges of a citizen of the United States was improved by Mr. Memminger in a close application to the text-books of his profession. It was at this time that he began the preparation of "A Digest of the Decisions of the Court of Appeals, with Notes on the same, and on Leading Cases referred to in the Authorities." I find only one of the note books among his papers in which this digest is commenced. It is in his hand-writing, with marginal references to many authorities, clearly indicating the painstaking, methodical work of a careful student. Thus was he laying broad and deep the foundation upon which, in after years, he was to erect the superstructure that will remain for years to grace the judicial walks in which the great men of Carolina lived and made their immortal history.

Admitted to practice in the several courts of South Carolina, Mr. Memminger at once entered upon a successful professional career. While he did not make any single department of law a specialty, yet it becomes apparent to those who follow his long and laborious professional life, and read his many cases as of record in the State Reports, that commercial and constitutional law in all their bearings was his favorite branch, and in these he was eminently successful. The order of his mind would naturally lead him in this direction.

When Mr. Memminger came to take his place among the lawyers of the Charleston Bar, political affairs were in an excited condition, and became more so as each session of Congress brought before the people the discussions of ques-

tions that were fast arraying the Northern and Southern sections of the country against each other, and that ultimately provoked the dissolution of the Union. For years the discussion of the rights of the States, under the provisions of the Constitution, had been growing more and more bitter. These discussions became more excited when the tariff measures, instituted during the administration of John Quincy Adams, were enforced during the presidential term of Andrew Jackson. Public meetings were being held all over the country to protest against the tariff as an iniquitous system of legislation made to advance the interests of the manufacturing States of the North, at the expense of the agricultural sections of the Union. Mr. Clay's great speech in support of "An American system for the protection of American industry," delivered in the House of Representatives in March, 1824, had called forth the eloquence and logic of Robert Y. Hayne, Mr. Calhoun, Judge Harper, James Hamilton, Langdon Cheves, Henry L. Pinckney and a host of others in opposition to his doctrines; while in Virginia the ringing eloquence of William B. Giles endorsed the resolutions reported to the General Assembly of that State protesting "*against* the claim or exercise of any power whatever on the part of the general government to protect domestic manufactures as not being among the grants of power to that government specified in the Constitution of the United States, and also against the operations of the act of Congress passed May 22, 1824, entitled an act to amend an act imposing duties on imports generally called the tariff laws, which vary the distribution of the proceeds of the labor of the community in such a manner as to transfer property from one portion of the United States to another, and to take private property from the owner for the benefit of another person, not rendering public service, *as unwise, unjust, unequal and oppressive.*"

In South Carolina, as in Virginia and in other States of the Union, this matter of the "*unwise, unjust, unequal and oppressive*" character of the tariff led to the formation of two parties, not so much because there was a denial, among any very considerable number, of the unrighteousness and oppressiveness of the measure, but because of a difference of opinion as to the proper remedy to relieve the agricultural sections of the unjust and unconstitutional burdens. Mr. Calhoun presented the right of nullification as a remedy authorised by the Constitution of the United States, and sustained his position with masterly arguments which will rank him among the great reasoners and statesmen of America as long as our institutions of government endure.

Nullification as a peaceful remedy was opposed by those who believed that it was revolutionary, unauthorized by any provision of the Constitution, and if exercised by the State that every bond of Union existing between the States would be broken and civil war would be the certain result. Both parties claimed to be advocating the doctrine of State Rights—the one being known as the "Union State Rights Party," and the other as the party of "Free Trade and State Rights." With the masses they were distinguished as the "Union" and "Nullification" parties.

Prominent among those who opposed nullification, and among the leaders of the Union party were James L. Petigru, William Drayton, Joel R. Poinsett, Daniel E. Huger, John S. Richardson, Hugh S. Legare, Richard Yeadon, Jr., B. F. Hunt, Richard I. Manning, Henry W. Dessassure, John Belton O'Neal, and many others I might mention among the best citizens and truest patriots of the State of South Carolina.

With the "Union State Rights" party Mr. Memminger early identified himself, and though but a young man, he brought to its service the sincere convictions of his good

judgment and the earnest zeal of an unselfish patriotism. The great debate in the Senate of the United States between Mr. Webster and General Hayne in 1830 had gone far beyond the previous discussions which had been confined to the right of nullification. Although this debate was provoked by a resolution inquiring into the expediency of selling the public lands, it ended in a heated discussion of the sovereignty of a State, and the right of the State to resume that sovereignty under the provisions of a "contract" or a "compact." Never before in the history of the country was there so much excitement in political affairs. From Washington city this excitement was transferred to the several States, and more of it possibly reached South Carolina than was brought to any other of the Southern members of the sisterhood. Party lines were drawn with distinctness, and partisan feeling rose to a degree never before known in the history of the State. To use the language of Mr. Calhoun in his address to the people of South Carolina, made through the Pendleton *Messenger*, July, 1837: "The country is now more divided than in 1824, and then more than in 1816. The majority may have increased, but the opposite sides are beyond dispute more determined and excited than at any other period." Meetings were held in every district, parish and beat in the State, at which the doctrine of nullification was advocated and opposed with all the vehemence incident to such occasions among an excitable people who were appealed to by eloquent and earnest orators.

The Legislature of 1831 authorized the Governor to call a convention of the people to take into consideration their relations to the Federal Union. It was to meet at Columbia in the month of November of the following year, and to it delegates were to be selected by the people of the several districts and parishes of the State. The Union party put

forth its strongest men and best endeavors to secure their election as the delegates to this convention, and were opposed by the representative men of the nullifiers. I can best portray the state of the public mind, and will, at the same time, preserve a valuable historical paper, for the use of which, I am indebted to the Hon. E. M. Seabrook, of Charleston, by inserting here a copy of the proceedings at a "Celebration of the Fifty-fifth Anniversary of American Independence by the Union State Rights party" at Charleston, July 4, 1831.

Celebration of the Fifty-fifth Anniversary of American Independence.

At a meeting of the "Union and State Rights Party," convened at Seyle's Hall, agreeably to notice, the Hon. Daniel E. Huger was called to the chair, and Robert B. Gilchrist, Esq., appointed secretary.

The objects of the meeting having been stated, the chairman, on motion, appointed Messrs. J. L. Petigru, S. H. Dickson, C. J. Steedman, A. S. Willington and Joseph Johnson a committee, who reported the following preamble and resolutions, which were unanimously adopted:

"The Union and State Rights Party, zealously attached to the principles of the Revolution, would celebrate the approaching anniversary of American Independence in the very spirit which animated the illustrious men who fought and bled for American liberty: therefore,

"Resolved, That a committee of arrangements, consisting of thirteen, be appointed by the chair, to adopt such measures as may be necessary to effect the purposes contemplated by this meeting.

"Resolved, That a committee of five, of which the chairman of this meeting shall be one, be appointed by the chair, to request the Hon. William Drayton to deliver an oration on the Fourth of July next.

"Resolved, That twenty-four stewards be appointed by the chair, to aid the committee of arrangements in ordering and conducting such entertainments as may be thought appropriate for the occasion.

"Resolved, That the committee of arrangements be specially instructed to invite the surviving patriots of the Revolution.

"Resolved, That the Hon. James R. Pringle be requested by the committee of arrangements to preside at the dinner."[1]

The following gentlemen were appointed a committee under the second resolution: Hon. D. E. Huger, B. F. Hunt, Thomas Bennett, Simon Magwood and J. H. Read.

It was then unanimously resolved, that the thanks of this meeting be returned to the chairman for his services on this occasion.

[1] In the adoption of these resolutions, the party considered that they were only imitating the example which had been set them by their political opponents.

The following gentlemen were nominated by the chairman as the committee of arrangements and stewards:

Committee of Arrangements—John Stoney, George Warren Cross, Rene Godard, Dr. Francis Y. Porcher, John Strohecker, Dr. James Moultrie, Jr., Dennis Kane, James Adger, Dr. S. Henry Dickson, J. Harleston Read, William Kunhardt, Dr. John Wagner, Edwin P. Starr, C. G. Memminger.

Stewards—Robert Pringle, James H. Smith, L. G. Capers, Randell Hunt, William Patton, Abraham Moise, J. Harleston Rutledge, James Marsh, Jr., Charles Lowndes, John B. Legare, William Newton, E. S. Duryea, Augustus Follin, George Buist, Albert Elfe, Cornelius Burckmyer, Charles R. Carroll, Ogden Hammond, Thomas Corbett, Jr., J. B. Thompson, William C. Hichborn, Juls. Tavel, Daniel Horlbeck, John B. Robertson.

Assembly at the Market and Procession.

The day having arrived, the dawn of it was ushered in in the usual way, by the firing of cannon, ringing of bells, and the parade of the militia.

At 10 o'clock the party began to collect in the market, between Meeting street and the Bay—this being the place designated by the committee of arrangements for that purpose, in the morning papers. In a short time the vast multitude which had assembled so much exceeded expectation, that it became necessary to call in the assistance of two additional marshals to assist those who had been already selected, and Messrs. Edward M'Cready and Thomas Corbett, Jr., were accordingly added to Messrs. Henry Ravenel, Philip Porcher and Theodore Gaillard. The procession being organized, between 11 and 12 o'clock, moved onward to the First Presbyterian or Scotch Church, at the corner of Meeting and Tradd streets, (which was found too small to admit the numerous assemblage, the galleries having been reserved for the ladies,) where they opened in a double line extending at the same moment over a greater portion of the intermediate distance, and were received by a voluntary on the organ by the venerable and accomplished Professor of Music, Mr. Jacob Eckhard—the whole moving through the lines from the rear.

Order of Procession to the Church.

1. The Twenty-four Stewards, corresponding with the twenty-four States, bearing each a banner of blue silk, with the name of a State inscribed on it, and a suitable device.

2. The Standard of the United States, supported on the right and left by Col. Jacob Sass and Mr. Solomon Legare, two Revolutionary soldiers, both of whom were at the siege of Savannah.

3. Sixty Youths, who having hastily organized themselves, and requested to be admitted into the procession, were received by the marshals.

4. Seventy Ship-Masters and Seamen, with banners on which were inscribed the names of distinguished nautical commanders and naval victories.

5. Union and State Rights Party: The younger in front, the elder in the rear. This was composed of the industrious and independent of all classes, comprising the moral and political energies of the body politic. They were very numerous, exceeding 1,200 souls. They also carried banners on which were inscribed the names of the battles of the Revolution and the last war—Fort Moultrie and Bunker Hill being in front, and others, Northern and Southern, conjointly following in the rear.

6. Committee of Arrangement: Thirteen in number, conformably to the thirteen original States.

7. Foreign Consuls, with their badges and ensignias of office.

8. Distinguished Guests, invited from various parts of the State.

9. The Conscript Fathers of the Revolution: A patriotic band, who by their presence in goodly numbers, and the animation with which they joined in doing homage to the day, reminded us of the blood and treasure it had cost, and the duty imposed to transmit it unsullied to posterity.

10. The Clergy.

11. The Twenty-four Vice-Presidents: Each representing a State of our Federal Union.

12. Gen. Daniel Elliott Huger, Reader of Washington's Farewell Address, sustained by Dr. Wm. Read, first Vice-President of the Day, and Vice-President of the Cincinnati Society of South Carolina.

13. The Hon. James R. Pringle, Intendant of the City, and President of the Day; and the Hon. Wm. Drayton, Orator.

14. The Secretary of the Committee of Arrangements, with the beautiful blue silk standard of the party, inscribed in golden capitals with the words "Union and State Rights, July 4, 1831," and surmounted by a very splendid eagle.

Two Bands of Music, placed at proper distances along the line of the procession.

The whole formed a sublime and imposing spectacle, the moral grandeur of which it would be difficult to give an adequate idea of in words. It was the spontaneous movement of a vast multitude, assembled in the presence of their God, to sacrifice at the altars of their country, and to vow, before Him, their unalterable determination to defend her institutions and her laws against the attacks of all her enemies, whether they exist in her own bosom, or come against her from abroad.

ORDER OF CEREMONIES AT THE CHURCH.

Prayer by the Rev. Mr. Rodgers.

AN ORIGINAL ODE.

Sung by a Choir, accompanied by the Organ. (*Air*—"The Star-spangled Banner.")

I.

We will gather, in pride, to the glorious rite,
In the faith of the free, from our sires that descended;
And who shall resist us, when thus we unite.
For the Union they won, and so nobly defended,
To hallow the hour,
When freed from the pow'r
Of Britain, our eagle first taught her to cow'r?
We will gather in triumph, in gladness and mirth,
And bless our free nation—free'st nation of earth.

II.

With a people unmatched—with a freedom, that now,
Even now, while all Europe is wrapt in commotion,
And the brave bleed or conquer, refusing to bow,
Shines forth like a beacon across the broad ocean—
And with rapture they turn,
Where our altars yet burn,
Their chains are all broken, their tyrants they spurn,
And at the pure altar, and round the glad hearth,
They bless our free nation—free'st nation of earth.

III.

Where else is the temple of freedom—oh, where—
If not in the broad land, our sires have given;
For destiny's self brought our forefathers here,
And here was the chain of the tyrant first riven.
And to conquer or die,
First appealing on high,
They dared, in his might, the fell monster defy;
While Europe, astonished looked on at its birth,
And bless'd our free nation—free'st nation of earth.

IV.

Forget not that time of commotion and toil,
And the glory that sprung from it, cherished forever,
Shall guard our freedom and shall hallow our soil,
And the foot of the tyrant shall trample them never:
For what folly would dare,
When our flag is in air,
And imbued with one spirit, we join in one prayer—
For the altar that hears it—for our home—for our hearth—
God save our free nation—free'st nation of earth.

Washington's Farewell Address to the People of the United States, was read by Gen. Daniel Elliott Huger.

This was received with strong and repeated emotions—particularly those parts of the Address which are admonitory as to the causes that may threaten disunion and the attempts that would be made to effect it.

SECOND ORIGINAL ODE.

Composed at the request of the Committee of Arrangements for the occasion. Sung by two voices, accompanied as before. (*Air*—"Scots wha hae wi' Wallace bled.")

I.

Hail, our country's natal morn,
Hail, our spreading kindred-born!
Hail, thou banner, not yet torn,
Waving o'er the free!
While, this day, in festal throng,
Millions swell the patriot-song,
Shall not we thy notes prolong,
Hallow'd jubilee!

II.

Who would sever Freedom's shrine?
Who would draw the invidious line?
Though, by birth, one spot be mine,
Dear is all the rest.
Dear to me the South's fair land,
Dear, the central Mountain band,
Dear, New England's rocky strand,
Dear the prairied West.

III.

By our altars, pure and free,
By our law's deep-rooted tree,
By the past dread memory,
By our WASHINGTON;
By our common parent tongue,
By our hopes, bright, buoyant, young,
By the tie of country, strong—
We will still be ONE.

IV.

Fathers! have ye bled in vain?
Ages! must ye droop again?
MAKER! shall we rashly stain
Blessings sent by THEE?
No! receive our solemn vow,
While before Thy throne we bow,
Ever to maintain, as now,
"UNION—LIBERTY!"

In the choruses of both odes, the audience joined with a good deal of enthusiasm; but at the repetition of the four last lines of the last verse of the second, they simultaneously arose, and thus manifested the deep and swelling emotions with which their bosoms had been inspired.

This being ended, the orator of the day advanced to the rostrum, which had been occupied by his predecessor, and delivered an able, patriotic, and exceedingly beautiful oration.

At the close of these ceremonies the party adjourned.

Procession to and Description of the Bower.

The hour of dining having arrived, the party again assembled in augmented numbers at the market, and at the hour of 4 o'clock moved off, in an order the reverse of that which had been adopted in the morning, to the Union Bower at the corner of Meeting and George streets, where dinner was in waiting to receive them.

The very extensive building, erected by the party for this especial purpose, covering a space of forty-five feet in width by one hundred and fifty feet in length, was found inadequate to accommodate all who had assembled, and from two hundred to three hundred persons were obliged, notwithstanding the erection of an additional table the whole length of the building on the outside, to stand up and exchange places, alternately, with those who were seated. The entertainment was abundant, and for so numerous a company served up in superior style. The wines were excellent, and the whole company enjoyed "the feast of reason and the flow of soul." About 10 o'clock the party retired, highly pleased at the manner in which they had passed the day.

The lot and building in which the party dined were decorated with a taste at once showy and becoming. Festoons of evergreens encircled the pillars, which, though we cannot exactly consider or designate them as "Corinthian columns," were, nevertheless, very neat and substantial. The hickory, entwined with the palmetto and the pine, were conspicuous as appropriate emblems in illustrating the pride and strength of our country; and from the archways, one of which being appropriated to each individual, were suspended shields bearing the names of Moultrie, Warren, Lafayette, Manning, Sumter, Hampton, Lincoln, Motte, Pulaski, C. C. Pinckney, Thomas Pinckney, De Kalb, Pickens, Putnam, Marion, Rutledge, Lee, Laurens, Steuben, Wayne, William Washington, Starke, Morgan, Knox, B. Huger, Shepherd, Isaac Hayne, Montgomery, Jasper, Kosciusko, Wilkins, Gist, Peter Horry, Gadsden, R. Lowndes, and many others who had distinguished themselves in the cause of liberty in the fields and on the shores of Carolina. Transparencies of Washington, Hancock, Franklin and others, encircled with boughs and luxuriant foliage, hung at the upper end of the vast hall. In front of the building the eye was attracted to the novel appearance in our streets of a

palmetto and hickory tree, transplanted in full bloom from the soil in which they originally grew, and waving in that of their adoption as freshly as they ever did before. The front of the building was decorated with two full-rigged frigates, manned and armed, mounting each fifty-two guns, and one rakish-looking and elegant tender—all perfect models of naval architecture. These were each surmounted by a broad transparent archway, over the centre of which appeared illuminated the words, "Don't give up the ship!" Three other transparencies, allegorical and emblematic, directly beneath the archway completed the decorations in front.

CEREMONIES AT THE DINNER.

The viands and other eatables being removed, the president of the day called the assembly to order, when the following toasts were drank, accompanied by the reading of letters, and the delivery of suitable speeches.

REGULAR TOASTS.

1. The Day—Consecrated to American Liberty by American Patriots: May this return of it revive American feelings in every American bosom. [*Air*—Hail Columbia.]

2. The Memory of Washington: May his farewell advice be engraved on our hearts, and his whole life illustrated in our conduct. [Solemn Dirge.]

3. The Patriots of the Revolution: United *they* stood—divided *we* fall. [Ye sons of Columbia who bravely have fought.]

4. The President of the United States: He will fill the measure of *his* glory, by preserving the Union, without impairing the rights of the States. [The President's March.]

5. The Vice-President of the United States: His political intimates have declared their sentiments of Nullification—will *he shrink* from an *open* exposition of his own? [Let every Pagan muse be gone.]

6. The Congress of the United States: Wisdom to their councils, harmony to their measures, and the happiness of the people for their only object. [The breeze was hush'd, a star was prone.]

7. The Governor of South Carolina: "The union of this confederation is the key-stone of the whole fabric of our political and national greatness, our civil and social prosperity. Let this sentiment enter with religious solemnity into all our public relations with our country, and form a theme of domestic instruction at our altars and fire-sides."—*Oration Fourth July, 1821, by James Hamilton, Jr.* [Governor's March.]

8. The People of South Carolina: They *will* preserve the Union—*peaceably*, if they can. [Home, sweet home.]

9. The Union: The foundation on which rests American Liberty—Destroy the one, and the other must fall. [Yankee Doodle.]

10. The People of the United States: Let them never forget that an injury to one State, is an injury to all; and that the power which shall crush one, may destroy all. [Meeting of the waters.]

11. The American System: The offspring of a wily ambition which would corrupt the people at their own expense. ['Tis all but a dream.]

12. The Government of a Majority—States and People: If this will not do, what will? [Garry Owen.]

13. The Senate of the United States—The Palladium of State Rights: They have a veto on the proceedings of the representatives of the people. [As a beam o'er the face of the waters.]

14. The House of Representatives of the United States—The Palladium of Democracy: They have a veto on the proceedings of the Senate. [See from ocean rising.]

15. The Judiciary of the United States: Nominated by the President, the agent of the people and States; and confirmed by the Senate, the agents of the States, to settle all differences under the law and the Constitution. [The Light-House.]

16. The Law of Nations—The Guide of Sovereign Powers: Better administered by a court arranged by the parties than by conflicting armies or artful diplomatists. [The Legacy.]

17. The Declaration of Independence: "If governments do not answer the ends for which they were intended, they ought to be changed, but not for light and transient causes." [Jefferson's March.]

18. State Sovereignty: If one State has the right to change the government, the others have a right to prevent it. [Ye mortals whom fancy and troubles perplex.]

19. "State Rights and Free Trade": Preserve the Union and *both* are safe. [America, Commerce and Freedom.]

20. The Tariff: A tax upon all—a benefit to but few; it must soon be smothered in its own accumulations. [The day is departed.]

21. The Memory of William Lowndes: A patriot pure—for power *he* never sought; from duty *he* never shrunk. [A Solemn Dirge.]

22. "Nullification," "Secession," and "Putting the State upon its Sovereignty": Revolution in disguise. [Black Joe.]

23. The Honorable William Smith—Proscribed in 1830 by the Proselytes he made in 1825: May the day not be at hand when he may say in the language of Milton—

"I did but prompt the age to quit their clogs—
By the known rules of ancient Liberty—
When straight a barbarous noise environs me;
They brawl for Freedom in their senseless mood,
And still revolt; when truth would set them free,
License they mean, when they cry Liberty.

[Keen blows the blast.]

24. Charles Carroll of Carrollton—The last Surviving Apostle of Independence: In the morning of life, he beheld his country ushered into existence; God forbid that the evening of his days should be clouded by her destruction. [The last Rose of Summer.]

The Honorable William Drayton: Who with more than Roman virtue, sacrificed the dearest ties of personal and family friendship for the good of his country.

LETTERS AND SPEECHES.

As soon as the applause with which the fourth toast was drank had subsided, Col. G. W. Cross, a member of the committee of arrangements, rose and begged leave to read for the gratification of the people the following correspondence with the President of the United States, inviting him to participate in the celebrations of the day, which was received with loud and reiterated cheers:

CHARLESTON, S. C., June 5.

His Excellency Andrew Jackson, President of the United States:

SIR,—The undersigned, on behalf of their fellow-citizens of "The Union and State Rights Party," have the honor to invite you to a dinner given on the approaching Fourth of July, in celebration of the anniversary of American Independence.

Had we regarded this return of the birthday of our nation as an era of merely ordinary import, we should not perhaps have taken the liberty to present ourselves to you. But the case is far otherwise.

As a native of the State of South Carolina, and one whom she has always delighted to honor, we do not doubt, sir, that you have felt such interest in the expressions of sentiment and opinion, which have been elicited during the progress of affairs among us, as to be fully aware of the great lines of distinction drawn between the several parties in the State, as well as of the portentous omens which threaten us with civil convulsion. It is well known to you and to the world, that the late political discussions and events have tended to loosen those bonds of fraternal affection which once united the remotest parts of our great empire. Geographical limits are familiarly referred to as connected with separate and disjoined interests, and too many of our youth are growing up, as we fear, and deeply lament, in the dangerous belief that these interests are incompatible and conflicting.

We conceive it, sir, to be a matter of infinite importance to our country, that these fatal errors should be promptly corrected, and the feelings which they engender thoroughly eradicated, that the ancient ties of friendship may once more knit closely together the several members of our happy confederacy. It is *our* special aim to revive in its full force, the benign spirit of Union—to renew the mutual confidence in each other's good will and patriotism, without which the laws and

statutes, and forms of government of these States, will exist in vain. We disclaim from the bottom of our hearts, all political or party purposes of local nature or circumscribed extent. We esteem as brethren and associates *all* who cordially unite with us in devotion to our common country, and in the firm resolution to defend her institutions, and transmit them unimpaired to the generations that shall succeed us. Your sentiments in relation to this subject are well known, and have been repeatedly announced, and we are proud to regard you, sir, as one of our fathers and leaders.

In this spirit, and with these views, we request the honor of your presence on the approaching occasion. The citizens of Charleston have flattered themselves with the hope that you would be able, without inconvenience, to comply with their invitation, urged some time since through the municipal authorities. May we be permitted to indicate the period of your visit so far as that it shall include the anniversary of the Declaration of Independence.

With the most respectful consideration, sir, we have the honor to be, your Excellency's obedient servants,

JOHN STONEY,	GEORGE WARREN CROSS,
RENE GODARD,	FRANCIS Y. PORCHER,
JOHN STROHECKER,	JAMES MOULTRIE,
DENNIS KANE,	JAMES ADGER,
S. HENRY DICKSON,	J. HARLESTON READ,
WILLIAM KUNHARDT,	JOHN WAGNER,
EDWIN P. STARR,	*Committee of Arrangements.*

The letter from Gen. Andrew Jackson, in reply to the above, was read, from the centre right by Col. Cross, from the left by Capt. E. P. Starr, and from the great extent of the Bower and assemblage, it not having been heard at the extreme ends, it was there read severally by the Hon. Thomas Lee and the Hon. Thomas S. Grimke.

WASHINGTON CITY, June 14, 1831.

Gentlemen,—It would afford me much pleasure, could I at the same time accept your invitation of the 5th instant and that with which I was before honored by the municipal authorities of Charleston. A necessary attention to the duties of my office must deprive me of the gratification I should have had in paying, under such circumstances, a visit to the State of which I feel a pride in calling myself a citizen by birth

Could I accept your invitation, it would be with the hope that all parties—all the men of talent, exalted patriotism, and private worth, who have been divided in the manner you describe, might be found united before the altar of their country on the day set apart for the solemn celebration of its independence—independence which cannot exist without Union, and with it is eternal.

Every enlightened citizen must know that a separation, could it be effected, would begin with civil discord, and end in colonial dependence on a foreign power, and obliteration from the list of nations. But he should also see that high and sacred duties which must and will, at all hazards, be performed, present an insurmountable barrier to the success of any plan of disorganization, by whatever patriotic name it may be decorated, or whatever high feelings may be arrayed for its support. The force of these evident truths, the effect they must ultimately have upon the minds of those who seem for a moment to have disregarded them, make me cherish the belief I have expressed, that could I have been present at your celebration, I should have found all parties concurring to promote the object of your association. You have distinctly expressed that object—"to revive in its full force the benign spirit of Union, and to renew the mutual confidence in each other's good will and patriotism." Such endeavors, calmly and firmly persevered in, cannot fail of success. Such sentiments are appropriate to the celebration of that high festival which commemorates the simultaneous declaration of Union and Independence—and when on the return of that day, we annually renew the pledge that our heroic fathers made of life, of fortune, and of sacred honor, let us never forget that it was given to sustain us a *United*, not less than an *Independent* people.

Knowing as I do, the private worth and public virtues of distinguished citizens to whom declarations inconsistent with an attachment to the Union have been ascribed, I cannot but hope that, if accurately reported, they were the effect of momentary excitement, not deliberate design; and that such men can never have formed the project of pursuing a course of redress through any other than constitutional means; but if I am mistaken in this charitable hope, then in the language of the father of our country, I would conjure them to estimate properly "the immense value of your national Union to your collective and individual happiness"; to cherish "a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety; discountenancing whatever may suggest, even a suspicion, that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

Your patriotic endeavors, gentlemen, to lessen the violence of party dissension cannot be forwarded more effectually than by inculcating a reliance on the justice of our National Councils, and pointing to the fast approaching extinction of the public debt, as an event which must necessarily produce modifications in the revenue system, by which all interests, under a spirit of mutual accommodation and concession, will be probably protected.

The grave subjects introduced in your letter of invitation have drawn from me the frank exposition of opinions which I have neither interest nor inclination to conceal.

Grateful for the kindness you have personally expressed, I renew my expressions of regret that it is not in my power to accept your kind invitation, and have the honor to be, with great respect, your obedient and humble servant,

(Signed) ANDREW JACKSON.

To JOHN STONEY and others, Committee of Arrangements.

SPEECH OF THE HON. T. R. MITCHELL.

Dr. William Read, the first vice-president, gave the following:

"The Hon. Thomas R. Mitchell: The uniform and consistent advocate both of State Rights and of the integrity of the Union."

To which Mr. Mitchell made the following reply, during which he was frequently interrupted by highly approving acclamation.

Mr. President and Gentlemen,—I know not how to thank you for the kind sentiment which you have just expressed. The approbation of so large a portion of my fellow-citizens of Charleston, the great capital of the South and of our beloved South Carolina, is a boon given by your kindness, not due to my merit.

When I look around me and consider those who compose this meeting and its objects, I am overwhelmed with sadness and with joy—with sadness at the occasion of the meeting, the distractions of our once united and harmonious State; with joy at beholding such an assemblage of intelligence, of virtue, of firmness, and of patriotism. We have truly met under the most interesting circumstances: not only to celebrate the most sublime and momentous event of our history, the Declaration of Independence, but to declare before God and our country, that we and ours will maintain, to the utmost of our power, the Union of the States, the Constitutions of the United States and that of our own beloved State, in their perfect integrity. These are the objects of our meeting; these form the bond of our Union. Differing, as many of us do, on important points of policy and constitutional construction, the magnitude of these objects is paramount to them all—suppresses every discordant sentiment, and unites us as a band of brothers by ties stronger than those of blood.

We have been charged, and it has often been repeated, with harboring imaginary fears on these subjects. Imaginary fears! When we have been gravely told by a high dignitary of the State, on a most solemn occasion, that it is time to calculate the costs of the Union! When the Hartford Convention, the only blot in our history, and which has hitherto called forth the execration of every Carolinian, is held up to the people as an example for their imitation and emulation! When one of

our representatives, in and out of Congress, in the back country and the low country, has been endeavoring by misstatements and sophisms, to prove the utter incompatibility of the interests of the North and South; to disaffect our people towards the general government, and to present in the most deceptive colors the advantages of a separation of our State from the confederacy! When the general government has been called, in an official communication by the highest authority of the State, a *foreign government!* Finally, when we daily and hourly hear the raven sounds of disunion and civil war rung in our ears in changes on the word nullification. Are not these signs?—signs, not of political peril, not of the destruction of our constitutions of government, not of the conflagration of our towns and of the devastation of our fields—for, could we suppose that these misguided people had the will, they surely have not the power to effect their objects; but sure and veritable signs of the loss by our State of the sympathy and good will of the rest of the Union, more especially that of the South; of her degradation to the low estate of Massachusetts, when, under a similar influence, she refused to muster her militia at the call of the President, and convened her Hartford Convention. And signs of the fall of our State from that high and prominent stand in the confederacy which she once held, when her sons gave proof of the utter nothingness of wealth and numbers, when opposed to virtue and talent; when, though small in representation and still smaller in physical force, she stood in the National Councils in point of influence equal to Virginia and superior to New York. Oh, had you witnessed the noble bearing of our little State in the government at Washington when her chosen son, William Lowndes, guided and governed her councils. William Lowndes! Name most cherished, most dear to every Carolinian. Spotless patriot! In thee we beheld the rare rivalry between goodness and greatness. These are the effects of what has been miscalled the Carolina doctrines—as the pernicious theory of Henry Clay has been called the American system—when it is well known that before its adoption freedom was the living principle of our commercial policy. Where and by whom have these doctrines been recognized and adopted? By Georgia? No; she has solemnly disclaimed them. By North Carolina? Her legislature has put them down by a vote of 5 to 1. By Alabama—a cotton State, and the youngest of the Southern sisterhood? They have shared there a like fate. By Virginia, the leading State of this great Southern equinoctial region—the land of genius and liberty—the first and most strenuous advocate of State Rights? No; her legislature has passed them by with studied neglect, while she has not a newspaper of any character which is not levelled against them. Where then and by whom, I ask, have they been recognized and adopted? Shall I say by the one-half of our people? If I were to tell you that they were recognized by the one-fourth or the one-

twentieth of our population, you would charge me with exaggeration. I sincerely and honestly believe—and this belief is founded on laborious researches, extended as far as I could—that if the nature and tendency of these doctrines were fully explained and developed to all the people, that its advocates would in a very short time be reduced to a handful of factious and disorganizing politicians.

Do not mistake me when I speak thus of the Carolina doctrines. I am, and have ever been, through good report and through evil report, without change or deviation, openly and above-board, an advocate of State Rights as understood and explained by Jefferson and Madison. I was proud to be an humble disciple in that school when the majority of the delegation, with which I then served, denounced them as radical; and Calhoun and M'Duffie stigmatised them as the worst and most stupid of all heresies. But the faith of the Christian is not more different from that of the Turk than the doctrine of State Rights is different from that of the Carolina, as it is termed. The doctrine of State Rights opposes only the abuses of the Constitution; the Carolina doctrine opposes the Constitution itself. The doctrine of State Rights considers the Constitution, when administered according to its legitimate end and design, as the best of all governments. The Carolina doctrine considers the Constitution under any circumstances as the worst, and sneers at it as a mongrel—half horse, half alligator—half national, half Federal. The doctrine of State Rights considers the action of the Constitution on the people of the States as a new and beautiful idea—as one of the great inventions and improvements of the eighteenth century. The Carolina doctrine considers *this action* as a fungus, as an excrescence, and in all its reasonings and conclusions, places the State in the same attitude in which she stood under the articles of the old Confederation. Were I to be asked what is necessary for the preservation of State Rights, I should say a strict and literal interpretation of the Constitution. State Rights admit of no constructive powers but what are essentially necessary to the execution of the enumerated powers—and the word *necessary* is here understood in a strict philosophical sense—while the Carolina doctrine, to sustain its favorite theory of nullification, is compelled to resort to a latitude of construction which will make any and every thing of the Constitution. Can this new light then be true light? The doctrine of State Rights is as old as the Constitution itself. It was the foundation of the first division of parties. It has been investigated, analyzed, and discussed by patriots of transcendant minds who revered State sovereignty as the palladium of liberty and property. Yet who among them ever imagined, much less affirmed, that a State had a right to put her veto on the proceedings of the general government. This discovery was reserved for Mr. Calhoun, who, his most consistent friend, M'Duffie, has proclaimed to be the father of the great system of internal improvement;

and who, when at the head of the War Department and in expectation of the Presidency, was the zealous and uncompromising advocate of high taxes, conscription, and the most lavish expenditure of the people's money. But I will tire you no longer with a discussion so dry. Brothers of South Carolina, supporters of the Constitution, under the banner of the thirteen stripes, the sacred emblem of the Union of the twenty-four States, which waved triumphantly over Washington in our war for political independence, and over Jackson in our war for commercial independence—under those glorious stripes, which have been to our country, by sea and by land, a cloud by day and a pillar of fire by night—under those glorious stripes, whose political influence is now operating on the continent of Europe from the Borysthenes to the Mediterranean—under those sacred stripes which floated over the dead and mangled bodies of our fathers of the Revolution we are celebrating the Fourth of July. What sentiment, in accordance with this scene, and with the feelings it calls forth, can I better give than the following:

"The Union—The Constitution—Liberty: The true and natural order of things—for without the Union we can have no Constitution, and without the Constitution no Liberty."

SPEECH OF HUGH S. LEGARE, ESQ.

The Hon. Thomas Lee offered the following volunteer toast:

"Hugh S. Legare: An enlightened jurist and sound constitutional lawyer—a friend to the Union, and an able and efficient advocate of State Rights."

On which Mr. Legare rose and addressed the meeting in the subjoined admirable speech:

Mr. Legare said he was obliged to the meeting for the opportunity offered him, according to an established usage, of saying what he thought and felt upon the momentous occasion, for so it seemed to him, that had brought them together, and would gladly avail himself of it to speak very much at length, were it not physically impossible to make himself heard in so vast an assemblage. He thought it due to himself and to those who were of the same way of thinking, that their sentiments should be fairly and fully expressed—for he had no doubt that they were such as would meet the hearty concurrence of a great majority of the people of South Carolina. He felt the less regret, however, at the self-denial he was obliged to practice, because the able speech of the orator of the day had maintained the doctrines which he (Mr. L.) professed, and for which, as the representative of the people of Charleston, he had strenuously, and he flattered himself, not unsuccessfully, contended in the Legislature of the State during several successive sessions. These doctrines they had heard expounded and enforced that morning by a man and in a manner worthy of the proudest days of

this proud city, nor did he think that any one could have listened to that discourse without being the wiser and better for it.

It has been frequently thrown out of late, in the language of complaint and censure, said Mr. L., and on a recent occasion, very emphatically, by a gentleman for whom on every account, I entertain the profoundest respect, that there is a certain party among us who seem much more intent upon "correcting the errors of some of our statesmen" (as they are said *modestly* to express it) than upon putting their shoulders to the wheel along with the rest of their fellow-citizens, in an honest and manly effort to relieve the State from the burthens under which it is thought to be sinking—in plain English, that their pretended hostility to the tariff acts is all a sham. Sir, this would be a severe rebuke, if it were deserved. I, for one, should be very sorry to think that the part I am taking in the proceedings of this day were open to that construction. God knows it was with extreme reluctance that I made up my mind to take this step. But what was I to do? What alternative has been left us by those who have the constructive majority of the State, that is to say, the majority of the Legislature at their back? They have chosen to narrow down the whole controversy concerning the American system to a single point. They have set up an issue and demand a categorical expression of opinion upon the expediency of immediately interposing the sovereign power of the State, to prevent the execution of the tariff law. That is to say, according to Mr. M'Duffie's reading (the only sensible reading) of that rather ambiguous phrase, to raise the standard of the State, and to summon her subjects, by the allegiance which they owe to *her*, to gather around it in order to resist a law of Congress. Sir, if I do not misunderstand all that we have recently heard from men in high places (and if I do misunderstand them, it is not because I have not most anxiously and patiently examined whatever they have said and done), this, and this alone, is the question now before us. In such a question all minor considerations are swallowed up and lost. Upon such a question, no man can, or ought to be—no man in the face of a community, excited and divided as this is, *dare* be neutral. It is propounded to us after the fashion of the old Roman Senate: You who think thus, go thither—you who are of *any other opinion* stay here. The country calls upon every individual, however humble he may be, to take his post in this mighty conflict. Sir, I obey that paramount command, and be it for weal, or be it for woe, be it for glory, or be it for shame, for life and for death, here I am.

But, sir, I repeat it, I should most deeply regret that what we are now doing should be thought to give any countenance to any part of the "American system." It is known, I believe, to everybody present, from various publications which have been long before the community, that I think that system unconstitutional, unjust and inexpedient. This

opinion I did not take up hastily—for with regard to the tariff, I, in common with everybody else in the State, once thought it within the competency of Congress. But more mature inquiry has resulted in a change of my opinion upon that subject, and although I dare not express myself so confidently in respect to it as it is the habit of the times to do, I must be permitted to say that I am more and more strengthened in that conviction by every day's experience and reflection. Sir, if I had any doubt about the matter, the proceedings of this day would be sufficient to dispel it. It is melancholy to think of the change which has been made in the feelings and opinions of some of the best and ablest men among us, by this pernicious system—to reflect that alienation and distrust, nay, in some instances, perhaps, that wrath and hostility now possess those bosoms which were but a few years ago warmed with the loftiest and the holiest enthusiasm for the government of their own and their fathers' choice. The authors of this policy are indirectly responsible for this deplorable state of things, and for all the consequences that may grow out of it. They have been guilty of an inexpiable offence against their country. They found us a united, they have made us a distracted people. They found the Union of these States an object of fervent love and religious veneration; they have made even its utility a subject of controversy among very enlightened men. They have brought us not peace, but a sword. It is owing to this policy that the government has to bear the blame of whatever evils befall the people, from natural or accidental causes—that whether our misfortunes spring from the barrenness of the earth, or the inclemency of the seasons, or the revolutions of commerce, or a defective system of domestic and rural economy—or, in short, from any other source, they are all indiscriminately imputed to the tariff. The decay and desolation which are invading many parts of the lower country—the fall in the price of our great staple commodity—the comparative unproductiveness of slave labor—are confidently declared to be the effects of this odious and tyrannical monopoly. Sir, firmly convinced as I am that there is no sort of connection (or an exceedingly slight one) between these unquestionable facts and the operation of the tariff law, yet I do not wonder at the indignation which the imposition of such a burthen of taxation has excited in our people in the present unprosperous state of their affairs. I have sympathized and do sympathize with them too deeply to rebuke them for their feelings, however improper I deem it to be to act upon such feelings, as recklessly as some of their leaders would have them do.

Sir, it is not only as a Southern man that I protest against the tariff law. The doctrine of free trade is a great fundamental doctrine of civilization. The world must come to it at last if the visions of improvement in which we love to indulge are ever to be realized. It has been justly remarked that most of the wars which have, for the last two cen-

turies, desolated Europe, and stained the land and sea with blood, originated in the lust of colonial empire or commercial monopoly. Great nations *cannot be held together under a united government* by any thing short of despotic power; if any one part of a country is to be arrayed against another in a perpetual scramble for privilege and protection, under any system of protection, they must fall to pieces, and if the same blind selfishness and rapacity animate the fragments which had occasioned the disunion of the whole, there will be no end to the strife of conflicting interests. When you add to the calamities of public wars and civil dissensions, the crimes created by tyrannical revenue laws, and the bloody penalties necessary to enforce them, the injustice done to many branches of industry, to promote the success of others, the pauperism, the misery, the discontent, the despair, and the thousand social disorders which such a violation of the laws of nature never fails to engender, you will admit, I think, that the cause of free trade is the great cause of human improvement. Sir, I can never sufficiently deplore the infatuation which has brought such a scourge upon this favored land—which has entailed, so to speak, the curse of an original sin upon a new world, and upon the continually multiplying millions that are to inhabit it. Most heartily shall I co-operate in any measure, not revolutionary, to do away with the system which has already become a fountain of bitter waters to us—which threatens to become to another generation a source of blood and tears—and I heartily rejoice at the dawn of hope which has opened upon us in the proposed convention at Philadelphia. Not that I am sanguine as to the *immediate* results of such a meeting; but if it be filled, as it ought to be, with leading and enlightened men from all parts of the country, which think as we do upon this great subject, it will awaken the attention of the people, it will lead to general discussion, it will give scope, if I may so express it, for the operation of those momentous truths on which we rely, and I cannot, and will not despair of the Republic, as it came down to us from the most venerable band of sages and heroes that ever laid the foundation of a great empire, until I become satisfied by much better evidence than any I have yet seen, that it is in vain to appeal to the good sense and kindly feelings of the American people. Meanwhile, to the measure which is now under consideration, and which, by whatever name it may be called, is, in my opinion, essentially revolutionary, I am, as I ever have been, decidedly opposed. I regarded it, when it was first mentioned in 1828, as an ill-omened and disastrous project—calculated to divide us among ourselves, to alienate from us the minds of our natural allies in such a struggle, the agricultural States in our neighborhood, and to involve us in difficulties from which we should not be able to retreat without dishonor, and in which we could not persevere without inevitable and irretrievable ruin—I might have been wrong, but I

acted upon deep and solemn conviction, and I thank God, from the bottom of my heart, for being permitted to indulge in the consoling persuasion, that my humble labors on that memorable occasion did contribute in some degree to avert these calamities.

Sir, this is no occasion for going into a detailed analysis of the doctrine of nullification, a doctrine which, as taught in *The Exposition*, I undertake to say, involves just as many paradoxes and contradictions as there are topics relied on to maintain it—but I cannot refrain from presenting a single view of it, which is of itself entirely conclusive. You will observe, Mr. President, that the difference between us and the advocates of this doctrine, is not as to the question how far a State is bound to acquiesce in an unconstitutional act of Congress; or (which is the same thing) how far it has a right "to interpose to arrest the progress" of such legislation. We admit this right in the most unqualified manner; for if the law be unconstitutional, it is no law at all. So far there is no difference and can be no difference between us. The question is not as to the right, nor even as to the remedy, but as to what shall ensue upon the exercise of the right, or the application of the remedy. The advocates of nullification insist upon it, that the interference of the States in such a case would be a peaceful act—we say it would be, even upon their own showing, an act of war—a revolutionary measure—a remedy derived from a source above all law, and an authority which bows to no arbiter but the sword—and this is susceptible of as rigorous demonstration as any point within the whole compass of public law.

For the sake of argument, I concede all that the most extravagant writers in our newspapers have ever assumed, and a great deal more than the most able of them can prove—I will grant that the government of the United States is no government at all—that it is not only a compact between independent States, but that it is a compact of no peculiar solemnity or efficacy—conveying no powers not usually granted by international treaties, establishing no intimate relations between the different parts of the country, not subjecting the citizen, in the least, to the jurisdiction of the federal courts, not binding upon his conscience, not imposing upon him the obligations of allegiance, not making him liable in any case to the penalties of treason. I will put the case as strongly as possible for the advocates of the doctrine. I will suppose that this constitution, of which we have been boasting so much for near half a century, is found out to be a league between foreign powers, and that every question that can arise under it, is in the strictest sense of the word, a merely political question. What then, sir? Did you ever hear of one party to a league having a right—not to judge for himself of its meaning, mark the distinction; but to bind the other party by his judgment? I admit that there is no common arbiter—that each of

the parties is to judge for himself—does that mean that he shall judge for the others, too? A compact between States is as binding as a compact between individuals—it creates what is called by text writers "a perfect obligation"—there is no doubt but that a sovereignty is obliged before God and man scrupulously to fulfil the conditions of its agreements. But sovereignties with regard to each other are in a state of nature—they have no common superior to enforce compliance with their covenants; and if any difference arise as to their rights and liabilities under them, what says the law of nature and nations? Why what can it say, but that each shall do as he pleases—or that force shall decide the controversy? Is there any imaginable alternative between the law and the sword, between the judgment of some regularly constituted umpire, chosen beforehand by the common consent of the contracting parties, and the *ultima ratio regum?* Sir, we have been told that State sovereignty is and ought to be governed by nothing but its own "feelings of honorable justice"—it comes up in the declamation of the day, to the description of that irrascible, imperious and reckless hero, whose wrath and the woes it brought upon his country are an admirable theme for an epic or a tragic song, but would not, I suppose, be recommended as the very highest of all possible examples in morality.

> Impiger, iracundus, inexorabilis, acer
> Jura negat sibi nata, nihil non arrogat armis.

Yet strange to say, the very men who paint to us the sovereignty of the States in such colors, and would cavil about the ninth part of a hair where their own rights and interests are concerned, forget entirely that there are any other parties to the compact but South Carolina, or that those parties have any rights to exercise, or any interests to maintain! "We have a right to judge for ourselves," say they, "how far we are bound by the Constitution, or how far we shall comply with it." Grant it. But what of the other twenty-three parties? Are they bound by our decision? Shall they not think for themselves, because we say that an act, which they have all declared (or the great majority of them) to be within the meaning of the treaty and binding upon us, is not so? If our opinion is just we are not bound. Admit it. But if their's is just we are bound. Now the whole fallacy of the argument on the other side consists in coolly taking for granted the very matter in dispute—in blotting out this *if*—in denying to others the very right of judging which we claim for ourselves—and in expecting them, exacting it of them, to act upon our convictions instead of their own.

Sir, it may be that they will do so. Instances upon instances have been laboriously compiled of late by a writer in one of the leading journals of the country, to show how often the government has been forced, right or wrong, to yield to the resistance of the States. I shall

say nothing of these examples—except that some of them have never been mentioned until recently but with scorn and indignation. But I maintain that not one of them—no, not one—goes to show that the other parties to the compact might not, if they had been so minded, have rightfully insisted upon enforcing their construction of the contract. I will only remark as to Georgia and the Cherokees, that as that State was clearly right in her pretensions from first to last, so she maintained her rights by open force, and made no scruple about professing to do so.

Mr. President, the argument which I now advance is too clear for controversy. It addresses itself to the common sense of mankind, and the bare stating of it is sufficient to show how incongruous and absurd the doctrine of the veto is, so far as it rests upon general reasonings and the law of nature—the only law acknowledged by sovereigns. But if any authority be wanted to confirm it, then is abundance of it at hand. Look into the writings of publicists—they are all full of it. By the established law of nations, each party construes a treaty for itself; but then it allows the other to do the same, and if the difference between them be deemed important enough that other has the option either of rescinding the whole treaty (in the case before us, putting the State out of the Union,) or making war to enforce it. "If one of the allies fails in his engagements (says Vattel), the other may constrain him to fulfil them; this is the right derived from a perfect promise. But if he has no other way but that of arms to constrain an ally to keep his word, it is sometimes more expedient to disengage himself from his promises and break the treaty. He has undoubtedly a right to do this; having promised only on condition that his ally shall accomplish on his side every thing he is obliged to perform. The ally offended or injured in what relates to the treaty, may then choose either to oblige the perfidious ally to fulfil his engagements or declare the treaty broken by the violation."—*Vatt. Sec. 200.* This civilian then proceeds to lay down the rule that the violation of one article of the treaty is a violation of the whole. He admits that it ought not to be rashly done, and says that the sovereign deeming himself aggrieved "is permitted to threaten the other to renounce the entire treaty—a menace that may be lawfully put into execution if it be despised. Such is, doubtless, the conduct which prudence, moderation, the love of peace and charity would commonly prescribe to nations. Who will deny this, and madly advance that sovereigns are allowed suddenly to have recourse to arms or only to break every treaty of alliance for the least subject of complaint? But the case here is about a right, and not about the steps that ought to be taken besides the principle upon which such a [contrary] decision is founded, is absolutely unsupportable," &c., and he goes on to demonstrate this more at large. He quotes Grotius to show that the clause is sometimes inserted,

"that a violation of some one of the articles shall not break the whole in order that one of the parties should not get rid of the engagement on account of a small offense."—*See Sec. 202.*

Now it would be mere cavilling to say that Vattel allows of this appeal to arms only where the party that has recourse to such measures is, in fact, injured; for the question recurs who is to judge of that? Each party judges for itself at its peril, and war alone can "arbitrate the event," or if a peaceful course be preferred, the whole compact is at an end.

Shall I be told, in answer to this reasoning and the concurring opinions of all publicists of respectability, that Mr. Madison and Mr. Jefferson did not think so in '98? Sir, if they taught any other doctrine, I leave it to those who have better understanding than mine, to explain what they meant. But if it be affirmed that the purport of their resolutions was, that by the inherent attribute of sovereignty, any single party to the Federal compact may interpose in order to prevent the execution of a law passed by the rest, and that the others may not maintain their construction of the Constitution, either by coercing that single State into acquiescence, or shutting her out of the Union altogether, at their option, then I have no hesitation in declaring it, as my opinion, that they advanced a proposition, inconsistent with every principle of public law, without a shadow of foundation in the Constitution of the United States, and utterly repugnant to the common sense of mankind. And what, if they did advance such a paradox, so novel, so singular, so incomprehensible? Are the opinions of two men—however respectable and distinguished—speculative opinions, too, for neither Virginia nor Kentucky made a case by acting upon these notions—are the adventurous and speculative opinions of two individuals, conceived and put forth in a time of great excitement, to settle the public law of this country, every thing in our Constitution, and our books, and our common sense to the contrary, notwithstanding? Why, sir, even under the feudal system—a scheme of organized anarchy, if I may use the expression—the most that an injured feudatory ever claimed was the right to make war upon his lord, who denied him justice, without incurring the penalties of treason. But it was reserved for the nineteenth century to discover that great secret of international law and to deduce it, too, by abstract reasoning, upon the fitness of things—a right of war in one party out of twenty-four, whenever the mood prompts, or of doing what amounts to an act of war, accompanied by the duty of implicit acquiescence in all the rest! But the truth is, that neither Mr. Jefferson nor Mr. Madison had any such wild and chimerical conceits; as, I think, perfectly demonstrable from the very text cited, to maintain the opposite opinion.

I have had occasion, frequently, to examine this subject, and I speak with confidence upon it. And, assuredly, that confidence is not dimin-

ished by the emphatic declaration of Mr. Madison himself—by the contemporaneous exposition of the resolutions in the Virginia Assembly—by the disavowal of the doctrine by all the leading members of the Democratic party, with Mr. Livingston at their head—and by the unfeigned surprise which the whole country, Virginia and Kentucky included, expressed upon the first propounding of this extraordinary proposition in 1823. The Virginia resolutions talk of the right to interpose—do they say what is to ensue upon the exercise of that right? No, sir, they thought that intelligible enough—they were asserting no more than what has been so expressively and pointedly designated as the "right to fight," and they meant, if they meant anything, no more than a declaration of opinion, to back their declarations by 100,000 militia, as I understand the phrase of the day to have been. This is the plain English of the matter—and one ground of objection to the "Carolina doctrine," as it has been called (though I doubt, not very accurately), is, that it is not in plain English—that the people may be led by a fatal deception to do what they have never seriously contemplated, and what no people ought to do, without a solemn self-examination and a deliberate view to consequences.

Sir, we have heard of "nursery tales of raw head and bloody bones." I am sorry that such an expression escaped the lips of the distinguished person who uttered it, and I lament still more that he gave it to the world in print. I am sure when he comes to reconsider, he cannot approve it—unless, indeed, he means to declare that the rest of the States are too cowardly or too feeble even to attempt to enforce their construction of the compact. This may be so, but for my part, I cannot consent to act upon such a calculation. If we do what we firmly believe it is our duty to do, let us make up our minds to meet all consequences. If there is any feature of the American Revolution more admirable than another, it is that our fathers had fully counted the costs before they took a single step. The leaders of the people were at great pains to inform them of the perils and privations which they were about to encounter. They put them upon their guard against precipitate determinations. They impressed it upon their minds that a period was at hand which called for "patience and heroic martyrdom"—they had not as yet a country to save, or a government worth to be transmitted to posterity, or how much more anxious would their deliberations have been! The language of a great, popular leader at Boston, before the first overt act of resistance, has made a deep impression upon my mind, and deserves to be repeated here. "It is not the spirit that vapours within these walls (said Mr. Quincy) that must stand us instead. The exertions of this day will call forth events which will make a very different spirit necessary for our salvation. Look to the end. Whoever supposes that shouts and hosannas will terminate the trials of this day entertains a childish fancy. We must be grossly ignorant of the impor-

tance and the value of the prize we are contending for; we must be equally ignorant of the power of those who are contending against us; we must be blind to that malice, inveteracy, and insatiable revenge which actuate our enemies, to hope we shall end this controversy without the sharpest, sharpest conflicts; to flatter ourselves that popular resolves, popular harangues, popular acclamations and popular vapour will vanquish our foes. Let us consider the issue. Let us weigh and consider before we advance to those measures which must bring on the most trying and terrible struggle this country ever saw."

To this complexion it must come at last, and the only question now submitted to the people of South Carolina is, Are you ready to absolve yourselves from your allegiance to the government of the United States, and to take and maintain your station as a separate commonwealth among the nations of the earth?

I have confined myself, in the discussion of this subject, to a single point in one branch of it. I have said nothing about the extent of our grievances, so enormously exaggerated by the *Exposition*. Even in regard to the proposed remedy by nullification, I have chosen to take up the question as it is presented by the warmest advocates of that doctrine—and I submit that I have made it plain that, even on their own showing, it is necessarily an act of war—a revolutionary measure. But in doing so I have conceded a great deal too much—I have allowed them to treat our elaborate and peculiar polity, which we have been taught to regard as one of the master-pieces of human invention—as if it were the coarsest and loosest of those occasional expedients to preserve peace among foreign powers, leagues, offensive and defensive. If their argument is wholly inconclusive, and indeed manifestly incongruous and absurd even in this point of view, what shall be said of it when it is thoroughly and critically examined with reference to a true state of the case? Sir, I have no language to express my astonishment that such a doctrine should have found any countenance from the able and enlightened men who have given in their adhesion to it.

We have been taunted as submissionists—I am not afraid of a nickname—"Tis the eye of childhood that fears a painted devil." It would be easy—very, very easy to retort—but I prefer accepting our own denomination and putting my own interpretation upon it. I give you, sir—

"The Submission Men of South Carolina:
'They dare do all that may become a man,
Who dares do more is none.'"

SPEECH OF JAMES L. PETIGRU, ESQ.

By James Adger, Esq., one of the Vice-Presidents:

"James L. Petigru: Enlightened—able—faithful—fearless. His country looks to him in the hour of need—and she will not be disappointed."

This toast was most cordially received.

Mr. Petigru rose and addressed the meeting in an eloquent, patriotic and fearless speech, and was frequently interrupted by the cheering enthusiasm of the company. The following is the speech:

Fellow-Citizens,—I receive with deep sensibility this expression of your approbation, perfectly conscious that the sentiment is due not to any merit of mine, but to the cause in which I am devoutly engaged with so many better and abler men. In defence of the Union, Constitution and Liberties of the country, my fellow-citizens may indeed count upon me to the full measure of all the aid that I can bring. I will be excused for saying a few words on the subjects connected with our party.

To love our country in the most extended acceptation of the word, and to honor her free institutions, was till very lately the character of every one aspiring to the praise of a good citizen. Those institutions are now the subjects of reproach and obloquy to that degree that we are from certain quarters daily urged as a matter of duty to resist the laws of the Union.

And why should we resist? Because, it is said, that the tariff of protecting duties is unconstitutional and ruinous to the South. These are grave charges; but we ought to be clear in our own minds that we proceed on sure grounds before we take a step by which we put at stake our honor and the peace and happiness of our country. That the tariff of protecting duties ought never to have been passed—that it is contrary to the spirit of amity and mutual concession in which the Constitution was conceived, and in which the government ought to be executed, I freely admit—that it is injurious to the South I firmly believe; but, that it is unconstitutional, I wholly deny; and that it is ruinous in its operation on the South is no more than a rhetorical flourish. In such an address a very brief view is all that can be attempted.

Passing over the power of imposing duties, which is granted exclusively to Congress—though I never can concede that the enumerated objects of this power refer to anything more than the purposes to which the revenue arising from these duties is to be applied—or that Congress have no discretion to make a difference between the objects of taxation on account of the resulting and incidental effects of imposts in their operation on the country, I will place the question on the power to regulate commerce. This power is given exclusively and absolutely. Now, although we may justly condemn the mode and manner in which it has been done, all my dislike to the measure itself, all my unfeigned deference for the opinions of some who think differently, cannot shake me in declaring as my settled conviction that the obnoxious laws are to all intents and purposes regulations of commerce, and such regulations, too, as all commercial nations have invariably made. Let it be admitted that these regulations were made expressly with a view to their effect on manufactures. The resulting and incidental effect of such regulations is within the discretion of Congress. The intent of commercial

regulations is not to benefit the merchant only, but to consult the interests of all, and the lawgiver must take into consideration the resulting consequences as well as the direct effect of the law. Where there is discretion, it may, from the nature of things, it must be frequently badly exercised; and in the late revenue laws I firmly believe that it has been much abused. But take away the supposed inequality of these laws, in the unequal burthen imposed on the South, and the constitutional objection vanishes. Suppose the benefits of them to be equally felt in this and in every other State, and it is incredible that any man would believe they were not within the province of the general government.

Then, admitting that the tariff presses unequally on the States, and imposes a greater burthen on the South than on the rest of the country, will this prove it unconstitutional? Such a state of things is highly improper; but the constitutionality of a law cannot possibly be determined on this ground. We can draw no other line than the Constitution has drawn: that imposts shall be equal in all the States, and no preference given to the ports of one State over those of another. If from extrinsic causes some States pay more than others, or pay with less facility, it is a difficulty, in a great measure, inseparable from the nature of the thing; and a risk of which our forefathers were neither ignorant nor regardless when they entered into the Federal compact. While we take the benefits of that compact, we must stand to its terms and abide by it like men. I have great repugnance to the idea of construing a written instrument one way to-day and another way to-morrow, as interest predominates. The construction, I maintain, is not new; it is the same that was placed on the instrument by those who made it, and was sanctioned again and again, and even recently by the voice of South Carolina. It is certainly an unpleasant thing, after giving a deliberate opinion in a matter, in which one either is or thinks himself disinterested, to find that with the discovery of his interest comes the discovery of new light, and a total change of opinion. Let us place our opposition on the true ground, on the excess and impolicy of the protecting duties, and abide by our bargain. When the evil becomes enormous, the remedy lies in the principle of self-preservation, and the resort to revolutionary force.

But is the evil of that magnitude as to induce us to give up all the advantages of a stable government—all the ennobling associations of our common history, and the endearing ties of blood, as the price of relief from its pressure? On this point I appeal with confidence to the true sons of America, native and adopted. They will not weigh their allegiance against dross, nor calculate for how much money their country may be sold. The monstrous exaggerations of the State Rights and Free Trade Party have been exposed to-day by a master's hand.

Our orator has abolished the flimsy theory of nullification, and poured a flood of light on the mysterious darkness that filled the land of the producer with baleful images of ruin and tyranny, and boundless exaction. I rely on the republican virtue of our countrymen. Stripped of the prejudice arising from the supposed unconstitutionality of the measure, notwithstanding all the exaggeration with which the subject has been surrounded, the amount of the protecting duties would never justify in their hearts the contemplation of disunion and fratricidal discord. In this hope I shall rely, with the assurance that supported our countrymen in the darkest day of our history. But if the worst must come, if this Union, formed by the wisdom and cemented by the blood of the patriots of the Revolution, must be torn asunder, and its fragments given to the winds, my earnest prayer shall be that before the fatal day that sees America a divided people, I may sleep in the silent grave, far from "the dissonance of that wild rout" that shall announce the triumph of misrule and the downfall of my country's glory.

Mr P., being called upon for a sentiment, gave:

"The Constitution of the United States: May it continue to the latest ages a monument of the truth that mankind are capable of self-government."

SPEECH OF THE HON. DANIEL ELLIOTT HUGER.

By Dr. James Moultrie, Jr., one of the Vice-Presidents:

"The Hon. Daniel Elliott Huger: Honor to the man, and success to the principles of him who seeks to save the State, and not rule it."

In this toast the company recognized a compliment to one they knew to be highly deserving of it, and accordingly it was received with the warmest manifestations of their approbation.

General Huger, after acknowledging the compliment with which he had been honored, said:

It was not the less gratifying that I am obliged to attribute it to your partiality and not to any merits of my own. If, gentlemen, I am authorized to claim any merit, it is that in which you all participate—the merit of loving our country—our whole country—that country which the fathers of American liberty and independence had won with united swords, and cemented into one people with their united blood. It is the benefit of such an Union we have been called upon to calculate. We, gentlemen, cannot calculate the benefits of loving our country, it must be left to such as are more cool, more dispassionate, more or less of men than we are, to apply the rules of geometry to our love of country; nor am I disposed to sympathize, on this great national day, with such as are hunting out the lines which once divided British provinces, but now obliterated with the blood of our patriot fathers, in the hope of finding some flaw in the title of the American people to that Union which the father of our country had so emphatically recommended to us as

essential to the existence of our liberty and independence. In the earlier days of the Revolution, these lines were more visible, as well as those nice distinctions between British power and American rights; but, as the Revolution advanced, these differences and distinctions faded, and at its close, when that proud banner (the American flag) waved over the heads of the conquerors of Europe, and more, conquerors over themselves, no other claim to Union, liberty and independence was pretended, than the will of our fathers, and their ability to enforce that will.

As yet, we have had no cause to resort to such distinctions, to sustain our rights or defend the honor of South Carolina. What the Constitution of our common country will not afford, the Declaration of Independence will. These are the muniments of our title to liberty and independence, and by these, and these alone, are we willing to be governed. To these our fathers subscribed; and by these we are in honor bound. These, too, are the great charters of this great confederated republic. As long as we all—North, South, East and West—resort to these common sources of our rights and faith, we shall be united and free; but if new lights are followed, if schismatics are encouraged, the unity of our faith must be destroyed, and all the confusion and evils which sectarian zeal and rage have produced in religion, will be experienced in our political concerns. We are now equal with all; but will continue so no longer than our great charter shall be preserved. It is not enough that we feel inconveniences, and are dissatisfied with the measures of government, to authorize its destruction. With no government can we be always satisfied, as long as we are free. When all are permitted to think, and to act as they think, differences of opinion and action must follow. For this, the first and best care is a submission to a majority of the people. If this will not do, republicanism is a cruel fallacy. If the minority cannot submit to a majority, by whom are they to be governed? Themselves? How? Still a majority must govern, or all must be governed by a despot. There are evils against which the wisdom of man cannot provide. We must meet them when they come. When this or any other government shall so oppress the minority as to render it insupportable, that minority must break off—but this will be an evil, come when it may. No people yet have ever changed their government by virtue of their sovereignty, without great privations and sufferings. Let the Constitution be changed in the mode prescribed by the Constitution, and no civil war can follow; but to force a State from the Federal Union, must shake society to its foundation—life, liberty and property must be put at hazard. This may become necessary; but has that necessity occurred? When it shall occur, Carolinians will not look to metaphysicians for their rule of conduct; they have a better in the Declaration of Independence.

Could I believe, with a much respected representative of the State, that of our bales we are robbed by forties out of hundreds to enrich the Northern manufacturers, I too would be for "putting the State on her sovereignty." I love his boldness—he says what he thinks, and would do what he says. He thinks we are robbed, and should "at every hazard" defend our property. But has the robbery been proved? This is a question for the country; and if they are not adequate to the decision of this question, they should be despoiled of their liberty. The people can and ought to decide this question; and if the robbery be found, my voice will be for war. As one of the people, I will never abandon my right to understand our statesmen. The only security for freedom is jealousy. Let the people be indifferent as to their rights, and they will soon have a guardian. There are always kind, generous, chivalrous men enough to carry on government, and take good care of the people, without the smallest disposition to ask for advice, or explain their conduct. Sufficient proof has not been given of the robbery charged. I shall now endeavor to show that no robbery has been committed; and if I succeed in this, as I hope to do, my friend must be by my side.

That a tax on imported cotton goods may lessen the price of cotton wool, is not denied; this effect, however, will only follow when the tax lessens the consumption of the goods. If the price of goods be so much advanced by the tax as to diminish the consumption, this must necessarily diminish the demand for cotton wool—and the price of cotton, like everything else, must depend upon demand and supply. If the supply is the same, and the demand be lessened, the price of cotton wool will fall; and so if the demand be the same, and the supply be increased, the price must fall. If the consumption of cotton goods be diminished, and the price of cotton wool consequently falls, this fall will affect equally all the cottons in the general market. Liverpool is the general market of all cottons that compete with ours. A fall in the Liverpool market must affect, not only American cotton, but the cottons grown in Europe, the Indies, and South America. Whatever injury, therefore, is done by this supposed reduction in consumption of cotton wool, must be divided between all the cottons in the general market. If the reduction in consumption be 10, 20 or 30 per cent. in America, where are consumed from 250,000 to 300,000 bales, the 10, 20 or 30 per cent. on these 300,000 bales must be divided between all the cottons, the price of which is regulated by the Liverpool market, which is supposed to be from 1,750,000 to 2,000,000 bales. Our duty, therefore, can affect but slightly the price of American cottons. How much, Mr. Say is of opinion, it is difficult to decide, and I, therefore, shall not attempt to do so. I have said that the price of cotton wool cannot be affected but by a diminished consumption of cotton goods. I shall now attempt

to show that so far from the consumption of cotton goods having been diminished since 1824, the date of the first objectionable tariff, it has increased probably one-third. On reference to the reports of the Secretary of the Treasury, it will be seen that no diminution has taken place in the importation of cotton goods since 1824. At the nominal or money value of cotton goods, the average importations since 1824 are equal to the average importations before; but taken at their exchangeable or real value, the quantity of cotton goods imported since 1824 is greater than it was before; that is, as cotton goods sell much cheaper now than before 1824, the quantity of cotton goods valued at $8,000,000 now, is greater than the cotton goods valued at $8,000,000 before 1824. If this statement be correct, the importation of cotton goods has not diminished since the adoption of the present protective system.

But on reference to the speech of the distinguished statesman already alluded to, it will further appear that $16,000,000 of cotton goods are now manufactured in the United States, which, in conjunction with the $8,000,000 imported, makes the present consumption $24,000,000. The production of our manufactures has probably doubled since 1824. If so, the consumption then must have been $8,000,000 imported and $8,000,000 manufactured at home, making in all $16,000,000; the present consumption being $24,000,000, leaves an increased consumption of one-third, or $8,000,000 in the last six years. This increased consumption is at least equal to the increased population of the United States. It does not appear then that the protective system, as far as we can follow it, has diminished the price of cotton. The price of cotton has been diminished by other and adequate causes. In the last few years we have nearly doubled our production; probably 450,000 have been added to our former production, and the increased production elsewhere has kept pace with ours. It is probable that 750,000 bales have been added in the last few years to the former supply in the Liverpool market; so great an increased production must have diminished the price of cotton wool. If the consumption had not also increased, the price would have been still more diminished. The consumption has been increasing everywhere, and must be forever checking the effects of over-production; the lower cotton is, the cheaper cotton goods become; the cheaper cotton goods become, the greater the consumption; the greater the consumption, the greater the demand for cotton; the greater the demand for cotton, the higher the price. This is the circle in which it must move, and if it be true that the consumption had been diminished by our protective system, and thus lowered the price of cotton in Liverpool for a moment, it would soon be met by increased consumption elsewhere, which would in turn raise the price of cotton wool. If we suffer no more from the protective system than do the consumers throughout the United States, can we, ought we, to complain of burthens imposed

by the representatives of all upon all? It may be impolitic to encourage manufacturers at the expense of the consumers, the great body of the people; but to the discretion of Congress, as to every other legislature, much must be trusted; they may abuse the trust; so will others; the only security we can have is the responsibility of the representative to his constituents, and a common interest between them. Are we to enlist in a crusade against the people of the United States for permitting their representatives to conform to their wishes? or are we to submit to such laws as are common to all and affecting all in like degree? I am disposed to leave Carolina where she is, the equal, not the superior of other States. When she shall be oppressed, when unequal burthens are imposed upon her, then, and not till then, let her be forced from the Union. It cannot be for the honor of South Carolina to claim for her more than an equal share in the government; and if she sometimes suffers in common with the people of the other States, we must submit, or resort to the right of revolution; one or the other is demanded by the honor of Carolina.

Honor of Carolina! who now ministers at thy altar! Who is it that points to Carter's Mountain, when to Mount Vernon we ought to go? If this must be, then have the days of her chivalry gone by; then are we recreant to the glory of our fathers.

Judge Lee being called upon by the meeting to address them, obeyed the call, unexpected as it was. He begs us to say that the call being made at a late hour, he submitted some desultory observations, which he thinks it quite unnecessary to publish. In all that he may have said he considers himself as completely forestalled by the able and eloquent orator of the day, and by many of his distinguished friends who preceded him in their addresses to the meeting at the dinner. What they said was, he thinks, so much better said by them than by himself, that he declines the publication of his speech.

Speech of Col. B. F. Hunt.

Col. B. F. Hunt having been called on, without premeditation, said:

Fellow-Citizens,—I feel this to be the proudest day of my life. The friends of Union and State Rights have on this day, unawed by the denunciations of political adversaries, and with feelings high above the distractions of party discord, assembled to lay upon the altars of liberty the pure sacrifice of unfeigned thankfulness for those national blessings which the valor and devotedness of our fathers have secured by their toils and hallowed by their blood I have on this day seen the men of Charleston—the republican citizens of Carolina—without distinction of birthplace, or the adventitious differences of rank or fortune, assembled together as a band of brothers, and bowing before that only throne, to which a freeman pays his homage, devoutly thanking God that we

still continue a free, united and prosperous people. In all this vast assembly I see none, no, not one, who has ever "bent his knee before created man"—not one whose blood would leave his manly cheek amid the embattled hosts of his country's foes. Yet the foul brand of "submission" has been attempted to be impressed upon such men. Does this assembly, these banners, our proud aspiration, savor of submission? Let not our adversaries calculate upon our submission. We know and appreciate the distinction between that obedience which is due to the government of our choice and what would ensue if the foundations of that government were undermined and all the securities of regulated liberty crushed under its ruins. All the licentious passions of the human breast, unrestrained and kindled to very madness by deluded leaders, would leave to our people no alternative but to submit our lives, our homes, our altars, and our little ones, to the tender mercies of a heartless, irresponsible mob. We are resolved to submit to no tyrant, whether he be a crowned emperor or a lawless demagogue. We now feel all that security for our rights which an established government affords, and contrasted with any other people on earth, we know that the career of our beloved country has been one of unexampled prosperity—and we know, too, that we owe all to that proud submission to the laws and Constitution of the Republic, without which every free government is powerless and inadequate to its ends.

We know that our federal government, like every human government, is liable to be badly administered; and when its evils overbalance its benefits, we are prepared to encounter all the vicissitudes of revolution still to be free. Experience, however, teaches us to beware how we hastily throw off a government which has been fruitful of so many blessings, to listen warily to those who would excite our jealousy against a friend that has stuck to us closer than a brother in the hour of our utmost need. The Constitution of the United States is wholly unlike treaties between independent sovereign nations. It is a frame of government, and it acts not on the sovereign bodies of the States, but upon the people of the United States. A treaty or compact between sovereign nations may be abrogated, and it still leaves each with its form of government entire—its executive, its naval, military and diplomatic establishments in perfect organization, according to the ancient constitutions of the respective countries, and recognized in the list of nations. Not so the United States of America. Their ancient general government was the monarchy of Britain, and once loose the bonds of the Constitution, and twenty-four new nations must be organized. All history warns us of the blood and misery which it would cost. And for what causes are we urged to the fearful experiment—certain abstract theories insisted upon by enthusiastic speculators, whose title to implicit confidence rests upon the facility with which they can "change sides and argue still."

We do not believe that the duties are paid by any but the consumer of the articles on which they are imposed. We know that if incidentally high duties are injurious to free trade, and we admit the fact, they have been adopted upon the very principle of latitudinary construction, which owe their success to those politicians who now so strenuously inveigh against them. We know that the tariff has not effected any one quarter of the Union exclusively, and that it was forced upon those who are now calumniated for its existence. Yet we will never cease, light as its evils are compared with the distractions and miseries of a revolution, to struggle to bring back our national legislation to the safe, simple and democratic rules of the old republican school. We trust to the virtue of that people which has hitherto been found capable of appreciating the value of our Union, without our aid of translantic arithmetic, and we shall not misplace our confidence; we will trust our whole country.

The enjoyments, the recollections and the hopes which this day brings with it we owe to the united sacrifices and the combined valor of the patriots of the Revolution from every section of our extended Republic. On this day we bear on our banners the emblems and the names of all that was profound in council, great and heroic in the field, in "those days which tried men's souls." Nor are the achievements of the second war of Independence forgotten. We see the oak of New England, the palmetto of Carolina, and the hickory of New Orleans, interwoven in that bright wreath which binds together the North, the South, and the West; long, long may they flourish in unfading verdure, affording to the aged patriot the cheering emblems of the great results of all his toils and sacrifices, and impressing on our generous youth the deep sense of gratitude which they owe to those sires who, under God, have secured for them such a rich inheritance.

Fellow-citizens, long may the services, the feelings and the resolves which we have this day performed, and experienced, and made, be preserved in our memories. They will enlighten our understandings justly to value and strengthen our hearts firmly to support the laws and the Constitution, and hand down, unimpaired, to our children, the inestimable blessings of regulated liberty.

Being called on for a sentiment, he gave—

"Fort Moultrie, the glorious compeer of Bunker Hill: The unconcerted and almost simultaneous offerings of the North and the South in the great cause of National Independence."

Speech of R. Yeadon, Jr., Esq.

R. Yeadon, Jr., Esq., having been called on to address the meeting, said:

That he had observed, with regret, strong indications that we were about to split on the very rock against which the immortal Washington, in his parting admonition, had prophetically warned us. That geo-

graphical distinctions were now the watchwords of parties, distracting our once pe aceful country and causing our Union to totter on its base That the South seemed now prepared to put on its armor against the North, and the East might soon be ready to hurl its thunderbolts against the West. That feelings so dangerous to the harmony of our Union and the durability of our institutions were to be seriously deprecated, and a more generous and enlarged patriotism ought to animate the bosom of every American. He said that he had observed, with equal pain, that it had become the familiar custom of those who arrogated to themselves, exclusively, the principles and feelings of Carolinians, to heap opprobrium upon the name of Yankee, and that our youth were even taught to lisp it with execrations; that it was strange, indeed, that while in Europe the name of Yankee is identified with everything great in action and sublime in liberty, here it should be the subject of contumely and reproach. That the people of the South should remember that those who unfurled the virgin flag of liberty, and fought her first battles at Lexington and Bunker Hill were the inheritors of a common glory with those who achieved her victories at the Cowpens and the Eutaw. He added, that in language partly borrowed from the beautiful anthem composed by a minister of the gospel for this day's celebration of the holy festival of the Union, those who inhabit the "fair plains" of the South—those who dwell in the "central mountain" region—those who people New England's rock-girt strand, and those who roam "the prairied west"—are all one people—and let them come from what quarter of the Union they may, when once they touch the sacred and hospitable soil of South Carolina they should be hailed and welcomed as brothers. He concluded by saying that as appropriate to these remarks and to the occasion which had brought so great and patriotic a concourse together, he would offer the following sentiment:

"Our Country—Our Whole Country: Not circumscribed within the narrow confines of a single State, but co-extensive with the broad expanse of our glorious confederacy."

A call having been made for the editor of the *Gazette*, W. Gilmore Simms, Esq., rose, and after observing to the assembly that enough of prose having been already spoken, he should take leave, with the aid of the muse of patriotism, to offer them some little verse. He delivered the National Ode which follows:

OUR UNION—A NATIONAL ODE.

I.

"Breathes there a man with soul so dead,
Who never to himself hath said,
This is my own, my native land"—[SCOTT.
Who, gazing on each valley round,

Exults not in that daring band,
Which made it—consecrated ground!
Who, drinking in the generous air
That feeds the freeborn spirit here,
Climbing the mighty rocks that gird
The rich profusion of our soil,
Fruits, flowers, that spring but a word;
Delights not in that hardy toil,
Which, in defiance, stern and dread
Of wanton steel and felon tree,
Unfearing fought and bravely bled
To break its chains and make it free!

II.

Beneath whose heaven-directed stroke,
Pour'd forth in streams the fetter'd rock,
While gathering nations came to bless,
As freely of its waves they drank,
The waters of the wilderness!
Though many a spirit died to gain
That land of promise seen afar—
And, worn with fell fatigue that sank
Unburied on the desert plain,
Still God and nature press'd the war,
And where they perished—in their place,
With treble strength, and spirit turn'd
To the same state, for which they burn'd,
And died—sprung up a mightier race;
With eyes, whose wide, unblenching glance,
Far, from the moral Pisgah, saw
The land in whose deliverance
They drew the sword and brought the law.

III.

Not in the vain pursuit of power,
The conquest of some fleeting hour,
They marshall'd forth in might—
No idle foray for revenge,
No lust of rule, no love of change
Impell'd them to the fight.
They came—as comes the ocean wave,
When gather'd navies find a grave,
And fiercely-mounting billows rave,
While humbled man grows dumb;

They sought the fight—as in the skies,
The lightnings flash, the tempests rise,
And rolls heaven's thunder drum.
Not theirs, the panoplied array,
The skill of Europe's better day—
With sling and stone they stood;
And well heaven's blessing prosper'd those
That hour who fought against Nature's foes,
And cheered their hearts, and nerved their blows,
While Lexington run blood.

IV.

There Freedom drew her battle blade;
There blazed her living beams, which made
Amidst the darkness gathering round,
Her stars, resplendent, shine through all
In glory o'er that battle ground.
Whilst chafing at his fearful fall,
Robed in his dark funeral pall,
The tyrant howl'd in shame;
A thousand lights are kindling fast,
And, at the wildest of the blast,
The crescent orb, that deign'd to smile,
Gave light unto the deadly aim
That hurl'd its fierce and fatal flame
In triumph from our Moultrie's Isle!
Nor there alone—our country yields
A thousand well-contested fields,
Where Freedom, in her mood,
From Cowpens to the Hanging Rock,
At every nameless acre took
Large toll of traitor blood.
Still, in her youth—protracted long
The war, against repeated wrong;
Each spot of land in time became
A theme for Freedom's choral song:
A monument of Britain's shame.

V.

Whence came that band, the brave, select,
The shores of Freedom to protect,
Or clothe her streams in blood?
What prurient soil of olden time,
Whose deeds are chronicled in crime,

Pour'd forth the generous flood?
Meet for that virgin land, they came
Obedient to her matron claim,
When Liberty awoke;
When, sickening at old Europe's guilt,
The chains she wore, the blood she spilt,
She bared her faulchion to the hilt,
And dared the deadly stroke.
Her signal banner waved in air,
And, from all climes, the brave repair,
Rich in the heritage of thought;
Far, in our western forests deep,
Their shrines to build, their faith to keep;
And, as their fathers taught—
Free as their native winds to own
No foreign potentate or throne—
To scorn among all other things
That fain would clip the spirit's wings,
That dogma of the slave:
Who, in the "right divine of Kings,"
Digs his own villein grave!

VI.

No isolated spot sent forth,
That argosie of human worth,
That, to thy well-found land,
Old Genoese! the treasure brought,
Of noble soul and giant thought,
And firm, unyielding brand.
Spirits, with freedom's self impress'd,
And, by her pray'r and presence, bless'd,
Could neither be enslaved nor bought—
Whom no example could mislead
To wrongful lust, or shameful deed;
No rank enticement win astray
From truth and reason's better way;
No Capuan luxury beguile,
Though rough the path they else pursue,
By license sweet, and harlot smile,
From the all-glorious goal in view.

VII.

What boots it now, though lofty stands,
Among earth's high and living lands,

The country of our pride,
To tell each tale of triumph o'er;
The fields we fought, the blows we bore,
And how the gallant died!
The world shall be their chronicle—
And myriads, yet unborn, shall tell
How, in the western sky,
Our banner of bright stars, became
A cheering ray, a guiding flame,
For Europe's chivalry!
The gallant Pole—Heaven bless his cause!
The victim of unequal laws,
To do it honor, bled—
Our Southern bulwarks, still retain,
The rich, and yet impurpled stain,
The brave Pulaski shed—
Oh, let it not be shed in vain!
Then came the high-soul'd brave of France,
And Erin's generous sons advance,
And England's cavalier—
And, in the choice of every land,
Thus gather'd in one sacred band,
We see and honor God's own hand,
And who shall then despair!
Though dark the night, our planets shine—
A Drayton leads th' embattled line—
Our banner, bears Huger—
And, cheering all our dauntless crew,
Comes the frank-hearted Petigru,
The talented Legare.
Well may the tyrant, in his sway,
Dread to behold the approaching day,
When, gem by gem, thus torn away,
His coronet is bare—
When Valor breaks his sword in twain,
When Genius flies his despot train,
And casting off their spirit's chain,
They seek for freedom here.
A glorious hope for every clime,
Unfolded in the march of time,
When men their might shall know—
When Portugal and Spain, alike,
Shall lift their thousand hands, and strike,
And freedom, have no foe!

VIII.

Our conquest made—let him, who looks
  This day upon its glories wide;
To whom its vallies, cities, brooks,
  Are sources of an honest pride—
Who sees its waters stretch afar,
  Their swollen billows, where the West
Peers forth, beneath a kindred star,
  With giant form and golden crest—
Who, glancing o'er th' extended whole,
Surveys its mighty rivers roll,
  In vallies of the sun—
With spirit, large enough to scan,
The triumphs of his fellow man,
  And own them, every one—
All glories of that rule, which makes,
  The nations near, the world around,
Impatient, of each step it takes,
  And heedful of its every bound:
Who sees our flag's extended folds,
  Sweep proudly in the eastern air,
Among the Pirate's crescent holds,
  A thing of more than mortal fear—
Nor, to such humble sway, confined,
  Who views it, out on ocean, spread,
Stream, like a meteor to the wind,
  That freemen love and tyrants dread—
Let him, whose eye, not wholly blind,
Survey these triumphs—let him hear,
The voice of myriads, far and near,
Forever, in his listening ear,
  In honor of his land—
And longing for the approaching hour,
When they, too, shall assert the pow'r,
  And, for themselves—for nature—stand
United, like ourselves—awake,
The race to run, the prize to take,
  Despite the tyrant's ban—
Let him who sees all this—the fruit
From our proud Union's glorious root—
The offspring of whatever state—
Let him come forth and calculate
  Its value—if he can!

SPEECH OF THE HON. JOHN HARLESTON READ.

Mr. Smith offered the following sentiment:

"The Hon. John Harleston Read, the Senator from Prince George, Winyaw: He has borne the brunt of persecution, may he reap the reward of perseverance."

Upon the delivery of which, Mr. Read rose and spoke in language nearly as follows:

Fellow-Citizens,—I should be wanting in candor did I not acknowledge my high sense of obligation for the friendly notice taken of me in the toast which has just been given. This unexpected attention meets me unprepared to respond to it in a manner that would be satisfactory, either to you or to myself. Yet I cannot but feel deeply sensible to the sympathies you offer me, under the trying circumstances to which allusion has been made. It adds another consolation to that of being conscious that I have suffered in a just cause, and in the vindication of those principles which I am proud to profess. But, as these are matters which interest another district, I will not occupy your attention with them further than to assure you that I rely with confidence upon those good feelings which have always characterized the constituents whom I have the honor to represent, and which they are ready to evince in behalf of those who have suffered in their service.

The subjects which the present situation of our State, in relation to the general government, forcibly suggests to the consideration of every true lover of his country, have been so ably and amply dilated upon by those distinguished statesmen who have already addressed you this day as to leave me nothing further with which to engage your attention.

I will, therefore, only say on the present occasion that while I am opposed to a law so partial in its operation (in this land of equal rights) as is the present tariff law for the protection of domestic manufactures—while I cannot but regard such a law as conferring privileges upon the North, in which we of the South cannot, from the nature of things, participate; while I regard that law as injuriously affecting our commerce, and consequently also our agricultural products, yet I cannot approve of the remedy prescribed by our political opponents. I cannot hold to the monstrous doctrine that any single State has the right under the Constitution to put her veto upon a law of the general government, passed under all the prescribed forms, and yet remain a member of the Federal Union; that one of a confederacy of twenty-four States can by her sole voice check the action of the government, and stay its arm in the vital operation of collecting its revenues. This doctrine seems to me to lead to consequences which threaten anarchy and misrule; it puts the State in direct opposition to those constituted authorities which are sworn to enforce the laws, and sets at defiance the very powers

which were appointed to settle differences. To such a doctrine it is impossible for me to assent; nay, I feel bound utterly to reprobate a scheme which, unless arrested by the intelligence and patriotism of the people of this State, will bring ruin upon our happy institutions; for I see in it the rising tempest which threatens to overthrow the altar consecrated to Liberty and Union by the immortal Washington himself.

In conclusion, I offer you the following sentiment, which touches that subject which is nearest our hearts at the present time:

"The American Constitution: The ark of our National Covenant; it will be preserved by the combined exertions of the Union and State Rights Party throughout the State from the profane influence of delusion and of faction."

SPEECH OF ABRAHAM MOISE, ESQ.

Abraham Moise, Esq., having been called upon to address the meeting, rose and said:

Being requested, Mr. Chairman, unexpectedly and without notice, to address my fellow-citizens, I propose with your leave to offer a few brief remarks.

Previous to this festival, one of the journals of the city anticipated great and alarming excitement from such an assemblage. It was said that the consequences might be dreadful to relate—father would be set against son, and brother against brother, even unto blood; for such was the meaning of the dark forebodings, if any meaning could be attached to them. Thank God, sir, the period has arrived, and no such dreadful consequences have ensued. I see around me an overwhelming band of brothers, sacredly attached to the Union, and determined to maintain it at all hazards. The bone and sinew of the country constitute this great party. Sir, it is animating in the highest degree to witness the old and the young—citizens from all parts of the community—from all sects and denominations, assembling around the altars of their common country to preserve, by all virtuous means, the institutions of that country; and if ever there was a period when it was expedient and necessary that every good citizen should join in the performance of a duty so solemn and important, that period has arrived; it is a duty consecrated by the love we bear our country, by the blood and treasure that country has cost us and our forefathers for more than half a century. In what bold relief stands all this to the condition of France, the distractions in England, and the waste of life and the pouring out of blood in Poland. If this be excitement, as an American citizen I glory in such excitement; as a native Carolinian I rejoice to behold it; it is a wholesome excitement, it serves to purify our political atmosphere—it is an excitement worthy of those engaged in it, worthy of the great occasion, worthy the effort to maintain regulated liberty, and put it beyond the reach of those who would innocently or wickedly impair the smallest part of it.

Sir, this is no ordinary struggle—it is a contest in which all we have to boast of is concerned, and indeed all that the world has to boast of: Our bright example to suffering humanity, our invaluable institutions; it may be our homes and our firesides. The value of our Union can only be known by the benefits it has conferred. It has furnished an asylum to all nations; to every inhabitant of the world, whether he be an Englishman, an Irishman, or a follower of Moses, the moment he sets his foot upon these shores, he is free as the freest, lofty as the loftiest; when he lifts his voice and claims the title of American citizen, he is inferior in civil and political rights to no being on the habitable globe.

And shall we yield up all these invaluable blessings upon a mere experiment, for a doubtful evil? Are we quite sure that while we lay the axe at the root of one evil, we are not opening an avenue to greater evils. A new form of government may, perhaps, bring upon us oppressions and errors in legislation far greater than those we suffer; for if we are to draw our lessons from history, we shall not always find that the successful party are most competent for self-government, or that the conqueror is the most generous of enemies.

But, sir, if I mistake not very much the temper of the times and the indignation of our citizens, the true cause of much of the excitement now pervading our city, may be traced to a matter differing very widely from this festival. Sir, much has been said of oppression, of imposition, of the abuse of power. Has not the Speaker of the House of Representatives refused to the people their writ of election? Have they not asked for it and been refused? Have they not demanded it, and has not their demand been treated with contempt and scorn? And shall the organs of the *Mercury* party complain of excitement, with this palpable and unquestionable act of oppression, imposition and abuse of power fastened upon them? Sir, it cannot, it will not, be denied that many of our citizens, equally distinguished for private worth and public duty, will be deprived of the privilege of voting, by a scheme of party management and manœuvering. Can oppression be greater than this to those who value this great privilege, and whose only crime it has been, that they opened not their eyes south of the Potomac, or that a southern sun burned not on their heads? Sir, I will dwell no longer on a subject so painful to those who love justice, and who, I persuade myself, would equally dispense it to all classes and condition; nor will I offer any comment upon other topics already so ably and eloquently disposed of. Let the advocates of nullification only read and honestly digest the sentiments of Washington and all their visionary schemes must vanish like mists before the sun.

Permit me to offer you a sentiment:

"General Jackson and the Disunionists—General Washington and the Whiskey Insurrection."

Speech of Major Paul S. H. Lee.

Maj. Paul S. H. Lee being called on for an expression of his sentiments, rose and observed:

Gentlemen,—I have been called on for an expression of my sentiments. I am unaccustomed to public speaking, and unprepared. But on an occasion like this, when we are assembled to celebrate the birthday of our country, and particularly to show our devoted attachment to the Union of these States, I will obey the call.

I sincerely believe that the measures of the opposition party, however pure their motives, have a direct tendency to destroy the Union of these States. We were told about twelve months ago, by a leading member of that party, to "tremble not at disunion." However high and respectable the source from which this expression emanated, in my humble opinion there is not a word in our whole vocabulary that should make an American citizen tremble, if it is not that word disunion.

"Tremble not at disunion!" Shall we see that noble edifice which has been the pride of our country, and the admiration of the world, torn to the ground, crushing in its fall so many votaries at the shrine of liberty, and we remain unmoved spectators?

"Tremble not at disunion!" Shall we see the torch of civil discord lighted, and our land fertilized with the blood of its citizens, shed by a son's, a father's or brother's hand, and our own not become palsied?

"Tremble not at disunion!" Is there a curse under Heaven that could more effectually blight our happy land, destroy our fairest prospects, and convert this blooming Eden into a howling wilderness, than the besom of destruction—disunion.

"Tremble not at disunion!" The nations of the earth who are now struggling for freedom, would tremble, if that beautiful constellation which is lighting them to the blessings of civil religious liberty, were extinguished.

"Tremble not at disunion!" The Goddess of Liberty, who had left the glaciers of Switzerland, the last abode of freedom, and was returning to her native skies, but beholding the struggles and devoted patriotism of the heroes of our Revolution, descended on our happy land, would tremble at the disunion of these States, and wing her flight from the world forever. Gentlemen, our fathers, to achieve the glorious work of American Independence, pledged their lives, their fortunes, and their sacred honor. Shall we hesitate, in order to perpetuate the work of their hands, to give a pledge less solemn? No! I, therefore, with the fullest confidence give you—

"The Union of the States: We will protect it with our lives, our fortunes, and our sacred honor."

LETTER FROM GENERAL BLAIR.

RED OAK CAMP, June 15, 1831.

Samuel H. Dickson, J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—I thank you for the polite invitation to dine with you and your fellow-citizens of the Union and State Rights Party, in Charleston, on the approaching Fourth of July, and regret that the delicate and precarious health of my family, the hazard of so long a ride through the low country at this time of year, and a variety of other circumstances, will prevent my attendance. However, if my presence were of any importance, my absence will be compensated, no doubt, by a brief disclosure of my political views.

You obligingly express a belief "that a community of sentiment in relation to the great political questions which now agitate our beloved State and a common feeling of devoted attachment to our country unite us closely together." Of this you can judge more correctly when I present you a synopsis of my opinions in relation to the topics which now agitate the public mind.

I view a protecting tariff as not only unconstitutional, but highly injurious to our best interests. Indeed, I am willing to regard it in as bad a light as the most violent nullifier can place it; yet it is not a whit worse than the national system of internal improvement. If it is possible for me to dislike one branch of the American system more than the other, I bear a greater hatred to the internal improvement than I do to the tariff, but I regard the two as one. Indeed, a distinguished individual of our State, who claimed to be "the father of internal-improvement," not many years ago coupled it with the tariff and advocated both with the utmost zeal as the "true policy of the country!" To prove the alliance between the tariff and internal improvement would be superfluous. They are as inseparably connected as the Siamese twins. I am, therefore, surprised that while some of our ablest orators are pouring out such vollies of invective upon the tariff they have not one word to say about internal improvement; while they darken our vision by the flight of their arrows against the former, they throw not a single shaft at the latter. They would move heaven and earth and hazard the integrity of the Union to suppress the tariff, while they seem to regard internal improvement as a harmless thing! Every one must draw his own inference; but it seems to me if I was not deeply committed in favor of the one I could not confine my raillery exclusively to the other branch of the American system.

To this system, I take it for granted, we are all opposed, and that our most anxious inquiry is, How and when shall we resist it? Is nullification the proper remedy? It seems to me a political axiom, that whilst South Carolina remains a member of the federal family she must refer

every controversy between herself and the general government to the adjudication of the supreme federal court. When she objects to the intervention of that tribunal, provided by the federal compact, decides the question for herself; declares this or that law of Congress inoperative within her limits, and endeavors to carry her views into operation, it is virtually a resumption of all her former sovereignty, and she is "ipso facto" out of the Union—at least she may be so considered and so treated by the federal government. But if South Carolina should undertake to arrest the operations of a law of Congress, without a formal act of secession, the general government has the option of another process, and one that would most probably be resorted to. It would have the right to say to South Carolina, "You seem to have forgotten that our government was founded in the spirit of compromise and concession. You must remember that every law cannot be made to suit your particular interest, and you must bear in mind that while you remain under my protection and avail yourself of the benefit of such laws as you deem advantageous and constitutional, you must submit to those that are inconvenient, and which you may even think unconstitutional, or refer the disputed law to the decision of the constituted tribunal. Should that tribunal decide against you, and you refuse to acquiesce, I must use all the power vested in me by the Constitution to enforce obedience." And it does appear to me that, under such circumstances, the President of the United States would be bound by his oath and by every consideration of official duty to carry the law into full operation, be the consequences what they may.

While, therefore, South Carolina remains in the Union, I can imagine no mode of procedure by which she can defeat the tariff laws without bringing her militia in conflict with the troops of the general government. But suppose we could, by any civil process, enable our merchants to elude the payment of the duties, what measure would then be resorted to by the general government? It would either require the duties to be promptly paid in cash and establish a sufficient military force in our seaports to ensure their collections, or our harbors would be blockaded by a detachment from the federal navy, prohibiting entirely the import of foreign goods or the export of our produce. What then would be our remedy? Either unconditional and disgraceful submission or a foreign alliance. And I doubt whether Great Britain or any other European nation would think the commerce and friendship of South Carolina of sufficient importance, under such circumstances, to induce them to encounter the hazard and expense of such relations.

Thus I have tested the doctrine of nullification by what I think would be some of its natural and unavoidable operations, and I am bound, therefore, to reject it as impracticable and dangerous, and must discard it as an absurdity.

But those of us who object to nullification are asked by the nullifiers, with an air of triumph, "What remedy do you propose?"

Were I an absolute federalist of the National Republican School, ready to "sacrifice the substance to the shadow," to permit the vital interests of my country to be destroyed under the forms of the Constitution, while the spirit of that instrument was disregarded, I might deem it a sufficient answer to refer to the provisions of the federal compact, and in ordinary cases this would be the correct reply, but in a case like the present, supposed to involve an ultimate extremity similar to that of life and death, I would be guilty of no such mockery. I should say that when the public debt is paid, and all pretext for a high tariff thereby destroyed; should the American system still be adhered to with stubbornness; should the tariff still be regarded as absolutely intolerable and all hopes of relief from Congress be entirly annihilated, we should then redress our wrongs in our own way. How would that be? Let all the anti-tariff States, or at least the Atlantic portion of them south of the Potomac, make common cause; as they have a common interest, they should be actuated by the same political impulse and feeling. Let, therefore, Virginia, North and South Carolina, Georgia, Mississippi, Alabama, and as many of the adjacent States as choose to join us, assemble in convention, if you please, and, acting in concert, present to the federal government the alternative of receding from its unjust and oppressive legislation or submission to our separation from the confederacy. I am fully aware of the hazard of such a proceeding. Should Congress adhere to its iniquitous policy, and we are driven to the necessity of pursuing the last and worse branch of the alternative, it is easy to imagine many dangers, difficulties, and expenses we should have to encounter. In such event I can readily conceive the necessity we should be under of keeping up a large navy to protect our commerce, a formidable chain of military posts to protect our inland frontier, together with a powerful standing army to repel invasion and suppress insurrection. It is also obvious our liberty would be endangered by such powerful armaments, nor can I hide from my mental vision the certainty that even in this little Republic a rivalry of interest and a struggle for political predominance would soon arise that would shake our newly-formed government to its centre. I say, therefore, the experiment will be dangerous, and it is only to be resorted to in the last extremity. Yet, I would resort to it rather than we should become the mere stewards and overseers of Northern monopolists and manufacturers, and entail slavery upon our posterity. But for South Carolina, divided within herself, to attempt such an enterprise, not only without the aid or co-operation of any of her adjoining sister States, but under the rebukes of all, would be madness and folly in the extreme. It would, indeed, be a species of political insanity that could only be ex-

ceeded by the absurd idea of a single State arresting the laws and operations of the general government with impunity, and still remaining a member of the federal family.

But, after all, may we not ask who were the authors of this infamous American system? and who they are that have mounted "the rider on the pale horse?" that bringeth in his train all the ills of prophecy.

I am unwilling to wound the feelings of individuals by a minute enquiry as to who are most culpable, or were the most efficient advocates and zealous agents in fixing this ruinous policy upon us. Fortunately, no such enquiry is necessary. It is universally known, and 'tis as strange as true, that the leaders of that party called the nullifiers—of that party who have stolen from us the appellation of "State Rights," and have modestly arrogated to themselves all the courage and patriotism of the South—yes, the very men who now wish South Carolina, single-handed and alone, to run a premature, dangerous, desperate tilt with the federal government on account of its oppressive legislation, are the self-same men who have done more than any others to bring those evils upon us. They have introduced the robbers into the house; and, because we object to the instant burning of the building, we are charged with all the plunder committed—Satan like, they would first seduce and then mock us; they involve us in a ruinous and dangerous dilemma, then point out what they call a mode of escape, but which we consider certain destruction; and when we refuse to pursue their mad and hopeless scheme, they denounce us as fools, cowards, and traitors. Great God, how much longer are the people to be thus gulled and deluded!

But perhaps you are desirous of knowing whether I have any hope the alternative to which I have alluded will not be forced upon us. I have no hesitation in saying, even at the hazard of a sneer, I do entertain such a hope.

It seemed to be conceded on all sides that the duty on sugar, as well as several other items of the tariff, would have been reduced or repealed if there had been time at the last session to obtain the final action of Congress on those propositions. But the session being limited to the 4th of March, and much of its scanty time unavoidably taken up by the trial of Judge Peck, no proposition of that kind could be definitely acted upon. Beside we still had in Congress the same old materials that constituted it the twelve months before; and, therefore, not much was to be expected from them more than had been done at the preceding session. In the next Congress I trust the case will be somewhat different; several changes have already been made for the better in the representation of some of the States, as you are no doubt aware. In addition to this, it is the opinion of older and more experienced members than myself that "the monster" is staggering with its deformity, and tottering

under the weight of its own iniquity. They speak of the downfall of the system with absolute certainty, and say that its final overthrow cannot be postponed much, if any, beyond the payment of the public debt. The friends of the system themselves look to the extinction of the national debt as the grand crisis of their favorite policy—they look to it "with fear and trembling"; and with a view to keep off their evil day as long as possible, they vote for every appropriation of the public money, no matter how large, regardless of the object, or from whence the application.

I have thus briefly presented you some of the reasons on which my expectations of a change for the better is founded. I have done it frankly, and have addressed you throughout in a spirit of candor, not only because I regard equivocation on these subjects unwarrantable, if not criminal, but because I consider you my political friends. I would not thus descant upon these topics were you an assembly of nullifiers; were I to hold out hopes and favorable expectations concerning the tariff, to that class of politicians, and my predictions (as they would call them) should not be promptly and literally fulfilled by Congress, the nullifying gentry would be disposed to "nullify" me for the disappointment. They would be ready to visit upon me all the penalties due to the original sins of their own favorite politicians. Therefore, although I neither make nor regard threats, I do not wish to be understood as promising or predicting what the future operations of Congress may be upon the tariff. The State which I in part represent is composed of reading and intelligent freemen, as capable of judging for themselves as I am; and I wish all my fellow-citizens, and especially the nullifiers, to make their own calculations of "the prospect before us."

About President Jackson, and the prospect of his re-election, I have but little to say; I consider that event to be as certain as it is indispensable to the welfare of our common country. Some blame him for doing too little to overthrow the American system, others blame him for doing too much in that way; perhaps the best evidence of his honesty and patriotism is that he is a little blamed by all parties. All know, whatever they may say to the contrary, that Gen. Jackson will do what he believes to be right—and no man is blessed with a more infallible judgment or a more fearless spirit. The great body of the American people know this, and they know, besides, that no other man, under existing circumstances, could hold this confederacy together five years longer. They are aware that the crisis demands the re-election of Andrew Jackson as President of the United States—and they will be "faithful to themselves and to him." Let no one suppose me desirous of flattering General Jackson—character and disposition apart, I have no motive for such sycophancy. To say nothing of my want of qualifications, I do not wish, nor am I in a situation to accept, any office in the gift of the President, neither would I beg office at his hands for

my best friend. I wish, indeed, the Constitution prohibited every member of Congress from taking any appointment under the federal government. It is a slander on the American people to say that competent men cannot always be found, except among their representatives. A representative of the people should have no motive to court the smiles or dread the frowns of any but his constituents.

Pardon me for troubling you with such a long letter, and allow me to conclude by proposing to your meeting the following sentiment:

"General Jackson and the People of Carolina: They cannot be divided while he continues honest and they remain free."

Very respectfully, your obedient humble servant,

JAMES BLAIR.

After reading the above, the following toast was offered:

"By Colonel Steedman. General James Blair: A man of the people—a firm and consistent advocate of their rights and interests; he has this day portrayed the true connection between the Union and his native State."

LETTER FROM THE HON. R. J. MANNING, LATE GOVERNOR OF THIS STATE.

FULTON POSTOFFICE, June 30.

Samuel H. Dickson, J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—You have kindly invited me in the name of the Union and State Rights Party, to partake of a public dinner, and to join in the celebration of American Independence, in the city of Charleston, on the approaching Fourth of July. Accept my thanks for the respectful remembrance of me on the occasion, and be pleased to convey them to those whose organ you are, with my regret that the season of the year, and the sufferings of a sick family forbid me to attend.

In the conflicts and war of opinions which have unhappily divided our beloved State, the character of my own opinions, has placed me in the ranks of the Union and State Rights Party. In taking this position with a party, I find myself, in opinions, at variance with the dearest and best friends of my youth and manhood. The political separation from these is decidedly among the most painful circumstances of my life. However much we may differ in public matters, nothing but unkindness shall ever cloud the recollection of my past life, or impair my admiration for those good and talented men, from whom I am now politically separated. I rejoice that over the affections of the heart, neither parties, nor laws, nor constitutions, have any control. These are the free and blessed and eternal gifts of God to man.

The doctrine that the majority shall govern, with all the evils that appertain to it, is better and safer (especially in an age of light and knowledge), as a fundamental principle of government, than the other, where the minority shall control and govern the majority. The ad-

mirable operation of this is, that when the majority who govern are wrong, their errors will produce evils; these, as soon as they begin to act extensively, will sink under the influence of an enlightened public opinion, and the irresistible power of the press will bring up the minority into the ranks of the majority, and thus evils will be corrected and the government again be restored in practice to a sound and healthy action.

I am one who very much rely upon the power and final triumph of truth, and on the purifying influence of an enlightened public opinion and its dissemination by the press. By the operation of these on European countries, abuses which have been tolerated for ages will shortly be corrected, and liberal principles and regulated liberty will modify the frame works of all the governments in christendom.

It was a profound remark of Talleyrand when he said "that there is something which has more wisdom than even Bonaparte or Voltaire—which is public opinion." On this we can rely for the final triumph of truth.

The tariff must be modified in a short time. There are causes which will work out this result. The American system must go down, the evil be corrected, and the government be again placed on its sound and solid foundation. Tyranny cannot exist in this country, nor can it under the march of events and the power of existing causes much longer exist in the old world. The doctrine of nullification in the present understanding of it is destructive and ruinous. That one State, moved perhaps by faction, at the head of which may be placed even one designing and talented man, should have power to arrest the operation of the whole government of the Union, is paradoxical and ruinous. However well this might answer in ordinary times of peace, the government could never sustain and hold itself together at other and difficult times. An extensive government like our own, when it shall be shaken by foreign or internal convulsion, will fall to pieces under the operation of this doctrine.

We hold with the doctrines of the United States Constitution. We hold that existing evils must either be corrected under that sacred instrument or according to the republican doctrines of Jefferson contained in the Declaration of American Independence—viz., "That whenever governments shall fail to answer the ends for which they were instituted among men it is the right and duty of the government to establish such other forms as seem most likely to secure their safety and happiness."

I beg leave to offer the following:

"The Doctrine of Nullification: Unsustained and unsustainable."

I am, gentlemen, your obedient servant,

RICHARD J. MANNING.

LETTER FROM HON. CHANCELLOR DESAUSSURE.

COLUMBIA, June 18, 1831.

Samuel H. Dickson, J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—I had the honor of receiving your polite letter inviting me to dine with our fellow-citizens in Charleston of the Union and State Rights Party on the Fourth of July.

You do me no more than justice in believing that I am greatly attached to the Union of the States, as the solid foundation of the national greatness and prosperity; as the sure guarantee of our internal tranquility and of our external peace, as well as of the public liberty. These were the sentiments of Washington, the father of his country, who, in his farewell address, warns his fellow-citizens "that the unity of government which constitutes us one people, is a main pillar in the edifice of our real independence; the support of our tranquility at home, our peace abroad, of our safety, of our prosperity, and of that very liberty we so highly prize." To which he adds: "That it is of infinite moment that we should properly estimate the immense value of our national Union to our collective and individual happiness; and that we should cherish a cordial, habitual and immovable attachment to it; accustoming ourselves to think of it as of the palladium of our political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may even suggest a suspicion that it can be in any event abandoned." These opinions and this solemn advice from him, who acted the greatest of all parts in the great drama of human affairs, is entitled to the profoundest veneration from his fellow-citizens; for his experience was great, his sagacity instinctive, and his patriotism unbounded. The history of all confederations proves the truth of his maxims and the wisdom of his advice. They have been always destroyed, and the country ruined for want of attention to these maxims. They have my entire concurrence; and I rejoice in the belief that this sentiment pervades the minds of a vast majority of the citizens in all parts of the United States. And the Union well deserves the affection of the citizens, for it has preserved our country in peace and prosperity during a longer period than is usual in the annals of the human race, at a time, too, when almost all the nations of the earth have been disturbed by internal commotions, or distressed by foreign wars.

It is not, however, to be dissembled, that this inestimable Union is now put to a severe trial. A series of the acts of Congress, operating most injuriously on the interests of the South, for the protection of Northern manufacturers, have produced deep dissatisfaction in the minds of the citizens of a large section of the United States. The evil is so great, and the injustice is so gross, that the attachment of the South to the Union is gradually weakening, and ere long will be almost oblite-

rated, unless relief be obtained. Yet Congress does not seem to have discovered that the affections of the citizen is the best support of all governments. It has denied most pertinaciously the relief sought by the South. How long the pressure will be endured cannot be foreseen. Many ardent spirits, impatient of the wrong, are prepared for strong action to throw off the yoke. On the other hand, many of our citizens cannot yet give up the Union, so precious for the past time. They continue to hope, almost against hope; and in this state of mind, they are not prepared to act with their brethren. This difference of opinion, honestly felt and consciously expressed on both sides, has produced most unhappy effects. It has divided the citizens into violent parties, gradually producing bitter animosities. This is most deeply to be regretted, not only as it disturbs the harmony of society, even in members of the same families, but as weakening our efforts to get rid of the oppression of which we complain. The ablest, wisest and best men of our country are as much divided in opinion, as to the right course of conduct, as those of inferior endowments. Would to God that they could be united in common counsels, and in a common plan, to obtain redress, without hazard to the Union. Could not all our citizens be induced to unite together in one grand celebration of the ever-memorable Fourth of July; and could not the leading men on both sides, who have the confidence of the country, meet in friendly counsel, and devise some plan which would obtain the support of the whole State? I most sincerely and anxiously wish this could be done. Without it, nothing can be done.

My public duties will carry me into the upper country immediately, so that it will not be in my power to accept your polite invitation to the public dinner. Permit me, however, to offer you a toast for the occasion:

"The Union of the States: May it never be dissolved by unjust, oppressive and sectional legislation; or by rash and violent measures of resistance to the laws of our country."

I am, gentlemen, with great respect, your most obedient servant,

HENRY WM. DESAUSSURE.

LETTER FROM THE HON. JUDGE RICHARDSON.

MANCHESTER, June 26, 1831.

Samuel H. Dickson, J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—Your invitation to a dinner on the Fourth of July, to be provided by the Union and State Rights Party of Charleston, is received. The season of the year, and the distance of my residence, alone prevent me from attending a celebration so just, patriotic, and praiseworthy; and rendered, in my judgment, necessary at this time, from circumstances attending the political parties in Charleston. I beg your accept-

ance of the following sentiment, which exhibits my conviction of the correctness of your political principles:

"The State principles of Moses, that made Agriculture the basis of national stability; and the policy of Solomon, that ingrafting Commerce on the stock of the farmer, left the Domestic Arts to their natural aliment, found in free trade and tillage."

With great respect, your obedient servant,

J. S. RICHARDSON.

LETTER FROM THOMAS WILLIAMS, JR., ESQ.

YORK DISTRICT, June 18.

Samuel H. Dickson, J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—I have the honor to acknowledge the receipt of your favor of the 10th instant as a committee on the part and behalf of the Union and State Rights Party of your city, inviting me to dine with them on the Fourth of July next.

I am bound to acknowledge it as one of the highest honors of my life to be identified with that party whose wisdom and patriotism have constantly induced the course best calculated to save our country in her times of greatest peril. Of late I have thought the evidence to establish one of the so much hooted "eight points" is not of that doubtful character which was once supposed, for language is now used, and in the most public manner, and by our most distinguished men, which at one time would have been thought disgraceful and treasonable, but which is now held by gentlemen as not only correct and proper, but even praiseworthy. Yet I trust the Union and State Rights party, guided by such men as Drayton, Smith and Huger, will, while they always point to every encroachment on national and constitutional liberty, also point to the proper remedy without endangering the safety of the Union I regret extremely the particular season will not allow me to join with you in celebrating the day so sacred to our liberty. You have my earnest desire for the full and triumphant success of the doctrines maintained and insisted on by the Union and State Rights Party. Believing they are essential to our safety, for their zealous and steady defense our fellow-citizens will yet bless us.

Respectfully, your obedient servant,

THOS. WILLIAMS, JR.

LETTER FROM ALEXANDER SPEER, ESQ.

ABBEVILLE, June 27, 1831.

Samuel H. Dickson, J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—I have this moment received your kind invitation to join the "Union and State Rights Party" of the city of Charleston in celebrating the returning anniversary of our country's independence.

For this act of attention and kindness permit me to return my thanks, and at the same time to assure you, and through you the party with whom I am proud to act, that although distance and season will prevent my personal attendance, yet my heart and best wishes are with you. I rejoice that Charleston has not yet determined to "calculate the value of the Union," and that a goodly number of noble spirits are yet found who are unwilling to place our beloved State in a situation from which it will be "legal and constitutional treason" in her citizens to take sides with or support that federal government, to establish which cost our ancestors so much blood and treasure.

Be assured, whatever you may hear to the contrary, that whenever the curtain is fully raised so as to make the question of union or disunion fully and fairly, the people of Abbeville will not be found wanting, and nullyism, with all its *et ceteras*, will fall to rise no more. In conclusion, gentlemen, permit me through you to offer a toast, which I flatter myself will meet with your entire approbation.

"The Hon. William Drayton, who with more than Roman virtue, sacrificed the dearest ties of personal and family friendship for the good of his country."

With the highest respect, I remain, gentlemen, your obedient and humble servant,

ALEXANDER SPEER.

LETTER FROM THE HON. JOHN L. WILSON.

CHARLESTON, July 2, 1831.

Samuel H. Dickson, J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—I have received your kind and polite invitation to join the procession of the Union and State Rights Party, enclosing a ticket of admission to dine, for which polite attention permit me to return you my thanks. After a public service of more than twenty years I have determined to devote myself entirely to professional engagements and domestic retirement. With this resolution taken, I admit the principle that the Republic has a right to demand at all times the services of her citizens, and whenever such a crisis shall arrive, and I am called upon to act, I shall obey the summons with promptitude and zeal. Although for the last two years I have taken no part in the political excitement which now agitates and convulses my beloved State, I have not been insensible to passing events. To me it is a source of deep regret to witness this unhappy division, which, at the same time it serves to weaken our just influence in the national councils, arrays in hostile ranks the same family, breaking asunder former political friendships and connections and poisoning the foundations of social and domestic happiness. Notwithstanding the present array of contending parties, my confidence in the intelligence and virtue of the people remains undiminished; and, I

confidently hope, by mutual forbearance and free and friendly discussion, the prosperity and political happiness of our State may be the ultimate result.

The political sentiments I have heretofore with more than usual ardor advanced and supported I still cherish and maintain. In other situations they have been frankly and freely avowed, and the public are in possession of them. They are briefly these:

The perpetuity of the Union in the spirit and terms of the national compact.

The sovereignty of the States and the inviolable security of their reserved rights.

If these cardinal points are observed with scrupulous integrity by the confederate and State authorities, I shall have no fears for the Republic, and we may all yet live to witness the prosperity and happiness of the people of these United States; the temple of liberty will be undefiled by the demon of discord, and our beloved country, which has been emphatically styled the refuge of the oppressed, shall still continue to be the sacred sanctuary of all who seek the inestimable rights of man.

The day you are about to celebrate is sacred to liberty. In your commemoration of the great events to which it gave birth I most heartily unite in feeling, and tender you the following sentiment as appropriate to the occasion:

"The Patriotism that engendered, the Firmness that resolved, and the Wisdom that planned the Declaration of 1776: May the same Patriotism, Firmness and Wisdom forever animate, nerve and direct the people of these United States."

Be pleased to present my respectful consideration to the Union and State Rights Party, and at the same time receive for yourselves the assurances of the regard with which I am, gentlemen, your fellow-citizen, etc.

JOHN L. WILSON.

LETTER FROM HON. HENRY MIDDLETON.

CHARLESTON, June 10, 1831.

Samuel H. Dickson J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—I have the honor to acknowledge the receipt of your polite invitation to dine with the Union and State Rights Party on the Fourth of July next.

Few circumstances could be more gratifying to me than assisting at the celebration of that anniversary surrounded by my friends and fellow-citizens. But considerations relative to the health of my family (long estranged from our climate) force me to seek a more mild temperature during the summer months, and our embarkation for the North, fixed for the middle of this month, will necessarily prevent my acceptance of the invitation.

I, therefore, pray you, gentlemen, to convey to my fellow-citizens of the Union and State Rights Party the expression of my regret on this occasion, and to accept for yourselves my most friendly salutations and good wishes.

HENRY MIDDLETON.

LETTER FROM HON. JOHN B. O'NEALL.

SPRINGFIELD, June 28, 1831.

Samuel H. Dickson, J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—I received on my return from Columbia your invitation to participate with the Union and State Rights Party in commemorating the Fourth of July in Charleston.

I regret that it is out of my power to unite with my friends in Charleston in doing honor to the day which, above all others, should be honored by every citizen of the United States. On that day I am compelled, in the discharge of my official duties, to be at the extra court ordered then to commence its session at Newberry courthouse.

You thought, truly, that my sentiments accorded with those of your party. I regard the Union of the States as essentially necessary to the preservation of the liberty and happiness of this, as well as all the other States. Anything which is calculated to destroy it, or weaken the attachments of our citizens to it, has, and I trust always will, meet with my decided disapprobation.

Permit me to give you a sentiment:

"Our Country, our whole Country, and nothing but our Country."

Accept, gentlemen, the assurances of the great respect and consideration with which I subscribe myself, your obedient servant,

JOHN B. O'NEALL.

LETTER FROM MR. STEPHEN THOMAS, A REVOLUTIONARY SOLDIER.

CHARLESTON, June 17, 1831.

Samuel H. Dickson, J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—I have to acknowledge the receipt of your kind communication of the 4th instant, informing me that you are instructed to invite me to partake of the feast to be given by the Union and State Rights Party on the Fourth of July next. As I am entirely of the same opinion with my fellow-citizens who compose that very respectable party, I feel myself highly gratified to have the honor of associating with the real and true friends of our beloved country in celebrating that ever-to-be-remembered national anniversary. I accept with great pleasure their very polite invitation, and shall attend (if a kind Providence please to spare my life and health) wherever they have appointed to meet.

Be pleased to present to that honorable body my sincere thanks for their kind favor, and to you individually, gentlemen, permit me to offer my grateful sense for the very polite manner with which you have been pleased to communicate the invitation,

I am, with real esteem and regard, very respectfully yours,

STEPHEN THOMAS.

FROM MR. MORTON WARING, A REVOLUTIONARY SOLDIER.

CHARLESTON, June 10, 1831.

Samuel H. Dickson, J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—It would indeed, gentlemen, be peculiarly gratifying to me to unite with so respectable a portion of my fellow-citizens in celebrating the anniversary of our country's independence; but in obedience to the admonitions of age, I have long since withdrawn myself from the society of large and crowded assemblies. For this reason alone I most respectfully decline your very polite and flattering invitation for the approaching Fourth of July. In doing this, I cannot but avail myself of the opportunity which it affords of assuring you that I reciprocate most heartily with you and "the Union and State Rights Party" all the feelings and sentiments which should animate Americans on every recurrence of their glorious anniversary. Permit me, gentlemen, to offer a sentiment, in which I hope all will accord.

"The Principles and Spirit of '76: We will cherish and perpetuate them."

With great respect, gentlemen, I remain your obedient servant,

MORTON WARING.

FROM MR. B. LANNEAU, A REVOLUTIONARY SOLDIER.

CHARLESTON, June 25, 1831.

Samuel H. Dickson, J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—Were it not for the infirmities of extreme old age, which now confine me to the precincts of my own habitation, it would give me unfeigned pleasure to accept, through you, the very polite invitation of the Union and State Rights Party in the proposed celebration of the approaching anniversary of American Independence—a day which you have proudly recalled to my recollection by alluding to the feeble services I may have rendered our common country in her glorious struggle for independence and liberty.

The remembrance of the eventful Fourth of July, '76, will not, cannot, fail to awaken the warmest gratitude of a nation of enlightened freemen—and although denied the privilege of uniting with you in person on the return of that memorable day, I shall, nevertheless, be with you in spirit.

Permit me, however, gentlemen, in conclusion, to assure you of my honest attachment to the interests of the cause you are engaged to promote—and to offer through you, on the approaching celebration, as the sentiment I feel, in the words of the motto you have adopted as designating your party—

"Union and State Right."

With sentiments of respect, I remain your obedient servant,

BAZILE LANNEAU.

LETTER FROM THE HON. STARLING TUCKER.

LAURENS COURTHOUSE, S. C., July 6, 1831.

Samuel H. Dickson, J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—Your kind invitation of the 4th June last, I received at Laurens courthouse on the 4th instant. It would have afforded me much pleasure to comply with your kind invitation, but I never received your letter until the day you invited me to attend. In regard to the great political question, etc., I very much regret that there is so great a difference among us. I believe, however, if we act prudently and re-elect General Jackson President, and, I think, Judge Smith Vice-President, that our beloved country will yet be saved. I am for State Rights and the Federal Union. I am for General Jackson's re-election to the Presidency, and Judge Smith Vice-President.

I am, gentlemen, in haste, your obedient, humble servant,

STARLING TUCKER.

LETTER FROM JOSEPH KOGER, JR.

ST. GEORGES, July 6, 1831.

Samuel H. Dickson, J. Harleston Read, E. P. Starr, Committee of Invitation:

GENTLEMEN,—Your invitation to dine with the Union and State Rights Party in Charleston, on the Fourth of July, has this moment come to hand. It would have afforded me much pleasure to celebrate the day with you had your invitation been received in time; but as I have been, through unavoidable circumstances deprived of that pleasure, permit me to offer the following sentiment, *nunc pro tunc:*

"The Union and State Rights Party of South Carolina: Nothing is lacking but unity of action. Let our motto be measures, not men. Let us take a pull, a strong pull, and a pull altogether, and with the blessings of Providence the victory will be ours.

I am, gentlemen, very respectfully, your friend and servant,

JOS. KOGER, JR.

VOLUNTEER TOASTS.

By the Hon. William Drayton, the Orator of the Day. The Counsels of Washington: The observance of them their highest eulogy.

By J. R. Pringle, President of the Day. South Carolina: Our affection to her is best evinced by our attachment to the Union.

By Gen. Daniel E. Huger, reader of Washington's Farewell Address, and one of the Vice-Presidents. The States and People: The depositories of reserved power—the only constitutional check upon federal legislation. One of the States can no more apply this check than one of the people; a majority of either may.

By Col. Jacob Sass, a Revolutionary officer, and one of the Vice-Presidents. The Union of these States: Devised by the wisdom of Franklin, cemented by the blood of patriots, and enjoined in the Farewell Address of our beloved Washington; may the prayers of the few survivors of our Revolutionary struggle be heard, that God may forever preserve us a free and united people.

By Thomas Corbett, one of the Vice-Presidents. The Union, Popular and Federal: We know its cost, perceive its wisdom, and feel its value. We will cherish it with patriotic devotion.

By Judge Lee, one of the Vice-Presidents: The City of Charleston: True to the Union, she has always "frowned indignantly on the first dawnings of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

By Dr. Philip G. Prioleau, one of the Vice-Presidents. The Farewell Address of Washington, the Father of his Country: May it be remembered with reverence, and its precepts held sacred.

By William Bell, one of the Vice-Presidents. My Country, my whole Country, and nothing but my Country.

By R. Godard, one of the Vice-Presidents. To our political opponents we have neither enmity or ill-will; we join and concur with them in reprobating the system that weighs upon us, and only differ as to the means of redress.

By James L. Petigru, Esq., one of the Vice-Presidents. The Memory of Abraham Nott, an able and upright Judge: His mind was enlightened by knowledge, and his judgment equally free from the disturbing influences of passion, or the blind admiration of theory.

By the Hon. Thomas Bennett, one of the Vice-Presidents. Our Delegates to the Anti-Tariff Convention to be held at Philadelphia: May their measures vindicate the motives of those who send them, appease the political strife that affects us, and secure the permanent interests of our beloved State.

By the Hon. Thomas Lowndes, one of the Vice-Presidents. The Union: Its friends may differ as to the expediency of measures, but never as to its value or preservation.

By James Marsh, one of the Vice-Presidents. May the excitement of political opinion in South Carolina be moderated to a healthful state by the zephyrs of Wisdom and Patience.

By the Hon. Thomas S. Grimke, one of the Vice-Presidents. The Union: We will calculate its value when we have forgotten its founders.

By the Hon. James Lowndes, one of the Vice-Presidents. The Union of the States: Nothing short of insufferable oppression actually felt, and not inferred from false or doubtful premises, should make a wise man wish for its dissolution.

By M. King, Esq., one of the Vice-Presidents. Agriculture, Manufactures and Commerce: Equal protection to all; exclusive privileges to none.

By Dr. James Moultrie, Jr., one of the Vice-Presidents. The Memory of General Washington: The man who was "among the first to discover the cause and point out the remedy" for the following evils:

"From want of vigor in the Federal head, the United States were fast dwindling into separate sovereignties," etc.—*Ramsay's Life of Washington*, p. 216.

"Requisitions are actually little better than a jest and bye-word throughout the land. If you tell the Legislatures they have violated the treaty of peace, and invaded the prerogatives of the confederacy, they will laugh in your face."—*George Washington* (*Ramsay's Life*, p. 219.)

By George Edwards, Esq., one of the Vice-Presidents. The Federal Constitution: Conceived in wisdom, may it be preserved in its purity, and all its provisions executed with firmness—true guarantees of Union and State Rights.

By Dr. V. Le Seigneur, one of the Vice-Presidents. The Hon. Wm. Drayton, Orator of the Day: May the force of his arguments, backed by the splendor of his eloquence, gather under one banner the chivalric sons of the South. May internal dissensions never compel them to call upon others for that assistance which they once so generously extended to the unfortunate exiles of St. Domingo, and may that banner be forever unchanged and undimmed—the brilliant stars and stripes which now so proudly float over our heads. Liberty and Union forever!

By Col. Simon Magwood, one of the Vice-Presidents. Our Country, the seat of Happiness: May we long continue to appreciate its blessings and keep at bay new doctrines that might bring on premature decrepitude.

By Col. Cross, one of the Vice-Presidents. Agriculture, Commerce, Manufactures: Even-handed Justice to them all.

By Col. B. F. Hunt, one of the Vice-Presidents: The enlightened patriot trembles with holy fear for his country at the ill-boding word disunion, for it implies an exchange of a government of the majority of the representatives of an enlightened and virtuous people, restrained by a written Constitution and their own responsibility, for revolutionary tribunals, which in every age and in every country have been "governments practically without limitation of powers."

The following letter from Nicholas Harleston, Esq., one of the Vice-Presidents, was read:

Bossis, July 1, 1831.

To the Committee of Arrangements:

Gentlemen,—I much fear that the indisposition of one of my sons, who is at this time in the country with me, and whose situation claims my immediate attention, will deprive me of the pleasure that I fully had in expectation of dining with the Union and State Rights Party to commemorate our National Independence, on a day that should have met all true Americans united as they were heretofore in support of the laws of their common country.

You will, therefore, sir, have the goodness to excuse me before the Committee of Arrangements, and to say to them that although I shall be unavoidably absent, yet my heart will beat in perfect unison with those sentiments that the Union and State Rights Party have ever maintained in support of the honor and prosperity of our happy country as yet it stands. Should a toast be expected from me, which is sometimes the case, I beg the favor of you to offer those which I shall enclose, but by no means to push them forward, as undoubtedly there will be an over-sufficient number of superior merit. Wishing you all, on the great day of rejoicing, much pleasure, good humor and friendship, I remain, dear sir, very respectfully, your obedient servant,

Nicholas Harleston.

By Nicholas Harleston, Esq., one of the Vice-Presidents: A perpetual confederation of these United States and a speedy downfall to all intriguing and ambitious demagogues who would insiduously or openly mislead the virtuous citizen from his contented and happy State.

By Col. Cross, in behalf of the Committee of Arrangements. The Constellation of the American Union: May its brilliancy never be diminished by the occultation of a single star.

By the President of the Day. Our Respected Guests: Consuls from France, Portugal, Prussia, Sweden, Norway and Denmark, the Netherlands, Brazil, and the two Sicilies.

Mr. Trapmann, Consul of Prussia, rose and said:

"Mr. President, Gentlemen of the Union and State Rights Party,—In the name of my respected brother Consuls, and for myself, I thankfully acknowledge the honor you have just conferred upon us, and beg leave in return to offer the following toast:

"The Constitution and Government of the United States: May they continue undisturbed—what they have now been for more than half a century—the admiration of the world."

By M. Hersant, the French Consul. The Union of the States: May that beautiful fabric, whose corner-stone was laid on the Fourth of July, 1776, whose construction was afterwards cemented by American and

French blood, and completed on the 19th October, 1781, stand forever to serve as a beacon for the lovers of National Liberty.

By Jacob R. Valk, Consul of the Netherlands. The Farewell Address of the great and good Gen. Washington: May its admonitions be cherished with filial veneration by and engraven on the hearts of every American, as the rock of their political peace, happiness, and prosperity.

By Jas. H. Ladson, Vice-Consul for Denmark. The United States of America the admiration of Foreigners: The Union of its parts and harmony of the whole are best appreciated at a distance.

By Judge Johnson. The New Cabinet: It commands the confidence of the people; the old Republicans look to it with anxious expectation.

By W. Hasell Gibbes, Esq., a soldier of the Revolution. The memory of Major Charles Shepheard and others of the Charleston militia who fell in the attack on Savannah; also, of Lieut. Wilkins and others, who fell in the attack of the enemy on Beaufort Island.

By Isaac Course, a citizen soldier of '76. The real Patriots of the present day: Emulating their illustrious sires of old in perpetuating the blessings bequeathed the American family, and nobly sustaining their existing government, founded on equal representation and Union.

By Col. Steedman. The Memory of Thomas Jefferson, the Apostle of Liberty and of State Rights: He declared for the first, and steadfastly supported the last.

By N. Harleston, Esq. The memory of the brave Count Pulaski: He died contending nobly and generously for our liberties; let us, then, do honor to his name by sympathizing with his gallant countrymen, at this time struggling for their own freedom.

By Dr. F. Y. Porcher, of the Committee of Arrangements. The two great Political Parties in our State: Let the contest be conducted with open, manly, and honorable feelings; and the question decided by the prudence, intelligence, and good sense of the people.

By Capt. Thos. H. Jervey. Charity to those who differ from us.

By Col. William Lance. Disunion: The Forbidden Tree in the Eden of Liberty. "In the day that thou eatest thereof, thou shalt surely die."

By W. G. Sims. The State of our Union and the Union of our States: What God hath put together let no man put asunder.

By Dennis Kane, of the Committee of Arrangements: The Union and State Rights party will yield to none in attachment to the Constitution, the rights of South Carolina, and in a firm and zealous opposition to the present mischievous, illegal and unjust tariff.

By F. Isley, Jr. Freedom of Opinion: The greatest blessing we enjoy in this free, this happy republic—without it in 1830 we should indeed have been submission men to the "Exclusives" of the South in 1831.

By Richard Yeadon, Jr. Our Country, Our Whole Country: Not circumscribed within the narrow limits of a single State, but co-extensive with the broad expanse of our glorious confederacy.

By Bartholomew Carroll: Let Government cherish and protect the agricultural and mechanic arts. Would we be commercial? Would we be rich? Would we be great and powerful? These are their true elements.

By Moses Abrahams. South Carolina: A bright star in our land of Liberty: May she never forget that her sons are freemen, and may the Union be preserved, even at the expense by which it was obtained—our lives and fortunes.

By James Smith Colburn. The Union of the States: There will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bonds.

By W. Wall, a soldier of the Revolution: Distracted be the brain and palsied be the hand that would separate the Union and destroy the Liberty of this happy land.

By Dr. Wagner, one of the Committee of Arrangements. The Potomac: On its Western banks the ashes of our Washington, on its Eastern the monument to his glory. Who dare make its consecrated waters the division line of these United States?

By Arch'd Brown: Free Trade, and such of its advocates as are for submission to the laws of their country, though they may want faith as to their expediency.

By Mr. J. N. Barillon, Deputy Secretary of State. The Union Party of Charleston and the People of the up-country: Alike bound by principle and love of country; any assertions of the nullifiers to the contrary notwithstanding.

By Mr. Willington. Lafayette: The early, devoted, and efficient friend of American Liberty—May his last days not be embittered by the nullification of that national glory for which he contended in the days of his youth.

By J. W. Sommers of St. Paul's Parish. The City of Charleston: The abode of intelligence, patriotism, and valor—though torn by party dissension, still steadfast to the Union.

By J. H. Read. The American Constitution: The ark of our national covenant—it will be preserved by the Union and State Rights Party throughout our State from the profane touch of delusion and of faction.

By Col. Thomas D. Condy. The Union of the States: Like Cæsar's bridge, the greater the pressure, the firmer it stands.

By Dr. A. V. Toomer. The United States of America: Blest with the best form of government, they have set an example which is stripping royalty and aristocracy of their robes and revolutionizing the world. Let not Carolina throw an obstacle in the way.

By Thomas W. Mordecai. William Drayton: The wise and fearless statesman; the American patriot! The cause he advocates is his country's; the temple he defends is the palladium of her liberty! Millions of freemen yet unborn will bless his name.

By Capt. Alexander M'Donald. The United States of America: The last refuge of the persecuted patriot—May her Spangled Banner be handed down to future generations without one star obscured, one stripe erased.

By Dr. De La Motta. The present state of the Union: A compound of opposite principles, cast in the crucible of political dissension—should the fire of patriotism be insufficient to produce permanent amalgamation, may a Congress of refiners devise such process as will ultimately succeed in an abundant supply and equal distribution of the pure metal.

By Col. Richard Yeadon. The Union: In the language of our orator, "He who could calmly contemplate its dissolution, must be either more or less than man."

By Charles E. Rowand, Esq. Col. William Drayton: *Integer vitæ, scelerisque purus.*

By N. Harleston Rutledge. The States of the Union: They are "the feathers" which "adorn" it, and power which "supports" it in its "flight" to glory; shame, shame, eternal shame to him, who would "strip it of its plumage," and thus hurl it into the gloomy sepulchres of empires that were.

By Joshua Toomer. The 40 per cent. sophistry of a distinguished Politician: Too highly sublimated to impose long on Carolinians.

By Dr. Horatio S. Waring. The sound Religious Virtue of Washington: The true basis of government; the guarantee of a nation's safety.

By William Robinson, Esq. The Freedom of the Press: An enlightened people, jealous of their liberties, will frown with indignation upon him who would dare to violate its sanctity, even under the influence of party excitement.

By Col. William H. Wilson "The Crisis": "*Dat Deus immiti cornua curta bovi.*"

By Theodore Gaillard, one of the Marshals of the day. The true Republican Party: Who evince their regard for State Rights by the love of the Union, and, relying upon the good sense and virtue of their fellow-citizens, combat error with reason.

By James H. Smith, one of the Stewards. Nullification: That slough of despondency—Who would not be glad to get out of it when he once has got in?

By William B. Pringle. The People of South Carolina: They reprobate alike the principle and the operation of the tariff; but in their opposition to it, they will beware of the delusion of those politicians who would confound revolutionary with constitutional resistance.

By B. F. Pepoon. The State of South Carolina: She is not represented by those who breathe the spirit of disunion.

By John Phillips. The Palmetto: Unsullied honor and chivalrous courage made it South Carolina's laurel. It was regenerated into glory

by the patriot's blood, not the serpent's slime. It was impregnable when o'er it waved its country's standard, not from being intertwined with subtility and poison.

By Randell Hunt, Esq., one of the Stewards. The Federal Union: The source of our national existence, of our prosperty, our strength, and our glory—the best security for State independence and individual freedom.

By H. Trescot. The twenty-four United States of America: Drawn together by a bond of Union and love too strong to be broken by the efforts of any demagogue, whether he assume the name of Brutus or of Phœcion.

By James Haig. The Doctrine of Nullification: Learned lawyers and political agitators do well to seek its exposition and defence in musty records and rebellious precedents. Our common sense patriotism acknowledges no such authority.

By John L. Strohecker. The Hon. William Drayton: A stumbling block to the disunion party.

By Edward J. Pringle. Our differences with the General Government: May they end like the quarrels of lovers, in the renewal of love.

By Major Clark. The Yankee: However grossly villified, whenever the sound sense and solid patriotism of South Carolina shall require his services, by the spirits of Greene and Lincoln, he will not be found wanting.

By S. Chapman. The Youth of South Carolina: May they look to the welfare and glory of their common country, and not be led astray by deluded, ambitious, and disappointed politicians.

By Tristam Tupper. Union, Liberty, and Peace: Are they worth preserving?

By J. B. Thompson, one of the Stewards. The Confederated Republics of America: When the empires of European despotism shall have crumbled into dust, may they stand unshaken, the home and the refuge of liberty.

By John W. Brisbane. South Carolina: May she always be all she ought to be.

By R. Y. Livingston. A true citizen of the United States should have no other party prejudice than enmity to the foes of his country.

By Mr. Morris. Our Sister State Virginia: The first to assert her rights, the last to submit to their infringement. "Where the ball of the Revolution received its first impulse, there also is felt that oppression which dictates to South Carolina to calculate the value of the Union." Virginia resisted then to establish liberty and Union, she suffers now that they may be preserved.

By Col. Memminger. The Virginia Resolutions of 1798: The true exposition of the doctrines of State Rights; they have once prevailed

over the advocates of implied powers—they reject the proffered alliance of nullification.

By Jeremiah Murden. The Constitution: Our best bower cable.

By Capt. Isaac S. Coffin. The Union and Independence of these United States: The legacy of our forefathers, the price of their blood. *Esto perpetua.*

By F. G. Rolands. The Union Party of Charleston: A grand moral spectacle, presenting patriots of all parties laying aside their minor differences, to co-operate in the holy task of preserving that great work —American Liberty.

By E. S. Duryea, one of the Stewards. The United States of America: While united under our present form of government always happy; once divided, no matter under what flag, worse than miserable.

By Paul Rooney. The Hon. William Drayton: The political doctor, who has dissected the monster called nullification, and saved the deluded and ignorant by administering the constitutional balsam of restoration, which brings them back to their allegiance.

By Henry V. Toomer. The Revolutionary Demons, Convention and Nullification: Turned out of Pandora's box to create civil war, with all its attendant horrors, may the voice of Carolina hurl them far into the ocean.

By Samuel W. Doggett. To the memory of Charles Cotesworth Pinckney: May his political views check the mad career of our political opponents; we offer for their consideration his own words: "All attempts to weaken the Union by maintaining that each State is separately and individually independent, is a species of political heresy which can never benefit us, but may bring on the most serious distresses."

By Wm. S. Blain. The Patriots of France, Poland, Belgium, and Ireland: Their sufferings, devotion and example in the cause of human liberty, admonish the emigrant citizens not to hazard lightly the blessings they enjoy. They are bound by their oath of citizenship, by gratitude, by the hopes and miseries of their native land, to unite with the man of the people, the illustrious Jackson, in preserving forever the integrity of the only free nation on earth that has the power and the will to give an asylum to the oppressed.

By J. W. Rouse. Wm. Drayton, Daniel E. Huger, James R. Pringle, James L. Petigru: Luminous stars in our country's constellation; patriots and statesmen, who will defend with their eloquence and energy the rights of their State, and still preserve the Union.

By C. Cassin. If the people are educated, if the Press is free, if the friends of order be firm and united, the institutions of Washington, the last citadel of human liberty, will continue for ages to be the glory of the new world, and the envy and admiration of the old.

By Mr. Vinyard. The spread Eagle, the emblem of the United States; the Palmetto Tree, the emblem of the State of South Carolina: May the eagle ever rest in its top.

By Philip S. Cohen. Liberty and the Union: The watchword of freemen. We will maintain the one by duly appreciating the value of the other.

By H. S. Tew. South Carolina: The Union is the ark of her political safety.

By N. L. Toomer. South Carolina: May she avoid the strife and bloody struggles of Columbia, Mexico, and Buena Ayres, excited by a few monarchists for the benefit of the few.

By J. Cook. Youthful mechanics in the day of this political excitement, let us follow the precepts of our cool and deliberate advocate, Col. William Drayton.

By Jackson M'Clelland. Perpetuity to the principles on which alone republicanism is based—Destruction to those which constitute the charter of monarchy.

By C. R. Brewster. The United States: May they never lose so fair a sister as South Carolina, and may she never be so utter reckless of consequences as to wish to be separated, nor so wayward as to desire the nullification of her rulers.

By Hugh McDonald. General Daniel E. Huger: More of the Roman than any man living, except Andrew Jackson.

By Richard Geurry. The Constitution of the United States: Like the magnificent firmament of Heaven, under which we live and move and have our being, it inspires light and love and liberty; like it, too, the clouds of ambition and the tempests of faction occasionally obscure its glory and disfigure its beauty. But these things past, the eternal azure and the stars immortal shine on more bright and calm and glorious.

By George S. Bryan. Nullification: Anarchy reduced to system.

By John J. Radford. Nullification, Disunion: If our adopted brothers must not assist to preserve the Republic, surely a violation of sacred duty will disgrace it themselves—the land of their birth, posterity.

By Edward Lowndes. Judge D. E. Huger: Long may he live for the Nation's defense, and his principles flourish a thousand years hence.

By George Buist, one of the Stewards. The Patriots of the Revolution: A splendid galaxy of glory; we will protect and defend the republican fabric which they reared against the rash assaults of the ambitious and the deluded.

By Jacob Kemnit. General Andrew Jackson: The friend of the Union, the Democrats of America will support his re-election, nor will the children of dear Erin forget him who chastised their Saxon tyrants. Notwithstanding, he may be opposed by the whole order of well-bred gentlemen and by the dreamers of a Republic south of the Potomac.

By Thomas L. Jones. The Union: Consecrated by the blood of our forefathers, it must receive the support of their offspring.

By John L. Poyas, of Daniel's Island. The Federal Union and Andrew Jackson: The one must be preserved; the other must be re-elected.

By J. Haliday. J. L. Petigru, Hugh S. Legare and Benjamin F. Hunt: How consistent and bright is the track of patriotism; the generous advocates of Catholic emancipation on the 26th of September, 1828, have been found true to their country and their oath, defending the Fourth of July, 1831. Honor and gratitude to the friends of the Republic. Children of Erin, will you desert the cause of that America for which Montgomery and Warren and Jasper, and so many of your countrymen fought and bled?

By George Oxford Pemberton. The Orator of the Day, Hon. William Drayton: An able and efficient artisan toiling for his country's good, which he has deeply at heart.

By Daniel Horlbeck, one of the Stewards. Nullification: "None but a recreant knight would shiver a lance in so inglorious" a cause.

By J. B. Clapp. The hickory and the palmetto planted together: Their Union must be preserved.

By S. Kneply. Here is to all true Americans: May they prosper in all their undertakings, and stick to the Union. United we stand, divided we fall.

By S. J. Cohen. The Union: Achieved by the valor of the patriots of '76; as descendants of those patriots, we will cling to it as long as reason shall have its sway.

By Thomas Corbett, Jr., one of the Stewards. Our Fair Experiment of Republican Government: The pride of patriotism, and the boast of freemen. Without Union, without hope—with it, the world's best hope.

By J. B. Thorp. Disunion: Suicide!

By L. J. Crovat. The Principles we Celebrate: They may disunite for the present, but eventually they must consolidate.

By P. Cantwell. Ireland: It is as natural for her sons to hate aristocrats and their mercenaries, as it is a national virtue in them to love light and liberty. Her history is frequently adduced to show how much evil may be inflicted upon a nation in the form of law, by an interested majority. It, however, proves that the triumph of a good cause is certain.

By Capt. William Newton, one of the Stewards. The Hon. William Drayton: The able supporter of our rights. May his present friends never forsake him, nor posterity ever fail him.

By Thomas Tennant. The Hon. William Drayton; One of the brightest stars of South Carolina; the faithful sentinel on the watch-tower of the Union; the man in whom we can confide.

By Henry F. Faber. The Tariff: Acknowledged by many to be unconstitutional or impolitic, few will acknowledge nullification a constitutional remedy for its modification.

By Joseph W. Faber. The Federal Constitution: The rich inheritance left to us by its founders, may the present generation entail it to their latest posterity as the only ark of our political safety.

By Robert Pringle, Chairman of the Stewards. Col. Drayton: If men of his abilities, integrity and patriotism continue to influence our public councils our country will forever enjoy the blessings we this day celebrate.

By Legrand G. Capers, one of the Stewards. The Constitution: Like the firmament of Heaven, it sprang originally from contending influences. The doom of fate would seem to rest upon it; by conflict and contention can it alone be preserved. We must do our duty.

By G. Brush. The Patriots of the Revolution: A splendid galaxy of glory. The Republican fabric which they erected will be protected from the rash assaults of the ambitious and the deluded.

By a Member. General Morgan: A patriot who immortalized the "Cowpens" in sending Tarleton to enjoy a "Pavilion."

By Abraham Motte. Col. Pringle: The patriotic President of this our really National Festival.

CHAPTER III.

His Public Life—Elected an Alderman.

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WHILE these proceedings do not indicate that the opposing parties were arrayed against each other in hostile attitude, yet this was unhappily the case. Mr. Poinsett, who was sincerely attached to the Union, urged the necessity of organization among the members of his party, and at an early stage of the excitement was credited with being in collusion with the Federal authorities at Washington and their selected agent to suppress any revolutionary proceedings on the part of the Nullifiers. Whatever of truth may be in this, it nevertheless is a fact of history that the Union party were better organized than the Nullifiers.

I find in the *Charleston Year Book* for 1887 a sketch of the life of Mr. Poinsett, from which I extract the following:

The superior organization of the Union men under the management of Mr. Poinsett was never more apparent than when the two parties came face to face one night after each one had attended a public gathering in a different part of the city, and, to the surprise of the uninitiated, the Union men as they halted were found to be in military formation, while the other party were without order or discipline.

This was at the commencement of the agitation, and the only arms the Union men had were clubs. They were provided with these because there were threats that their meetings would be broken up, and it was to prevent any such attempt that they were thus prepared. Later on the Nullifiers were uniformed as State troops, and frequently drilled, and their infantry and artillery were often seen in the public streets. It was then found necessary to give an equally efficient organization to the Union men, but this could only be accomplished by doing it secretly, as the Nullifiers were in possession of the State government, and would have prevented any open drilling of their opponents.

In the city of Charleston it was doubtful at first which party was in the majority, and it was not definitely settled in favor of the Nullifiers

until the annual election in 1831 for Intendant. Great efforts were made on both sides and much excitement prevailed. The successful candidate was Henry L. Pinckney over Mr. James R. Pringle, who had been the incumbent the year previous.

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It can thus be seen that the situation was a most serious one. The division of families, on account of the various members holding different political opinions, was one of the painful features of the agitation, and many of those who remember the period look back with horror at the extreme probability there was of bloodshed when the passions were at their height.

Early in the year following the anniversary celebration above reported, and before the election for delegates took place, a satire on Nullification appeared in pamphlet form, written in biblical style, which attracted much attention by its caustic wit and well-directed sarcasm. It was entitled the *Book of Nullification*. For some time the author was not discovered, but before the election he was found to be Mr. Memminger, who had thus brought himself prominently before the people, and by his excellent humor aided the cause that had so warmly enlisted his sympathies.

I have secured a copy of this unique production, and embody it in this volume as a specimen of my honored friend's wit. (See Appendix.)

The Convention was held at the time and place appointed.

In spite of every remonstrance and effort on the part of the Union men, a majority of the delegates elected were Nullifiers. Of the acts of this body, and of the historic Ordinance of Nullification, the reader is referred to the voluminous Journal of the Convention.

I am reminded that I have not set out to write a history of politics in South Carolina, and only refer to these matters as they become a part of the history of Mr. Memminger. He was not a member of the Convention, nor did he seek to be such. In order, however, that the reader may have an idea of the relative strength of the Union and Nul-

lification parties at the time, I extract from the Journal the vote as recorded on the final passage of the "Ordinance to Nullify Certain Acts of Congress," etc.

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THOSE VOTING AYE ARE: B. Adams, James Adams, Ayer, James Anderson, Robert Anderson, Arnold, Baker, Ball, Bee, Boone, Barnwell, Bardwell, Blewett, Butler, J. G. Brown, John Brown, Bauskett, A. Burt, F. Burt, Barton, Bowie, Black, Belin, Cohen, Cordes, Colcock, Charles G. Capers, Clifton, Caughman, Counts, Chambers, Campbell, Dubose, Dawson, Douglas, Elmore, Earle, Evans, Felder, Fuller, T. L. Gourdin, P. G. Gourdin, Goodwin, Gaillard, Griffin, Glenn, Gregg, J. Hamilton, Sr., Heyward, Hayne, Harper, Harrison, Hatton, Harllee, Huguenin, I'On, Jeter, Johnston, James, Jacobs, Keith, Key, King, La-Coste, Legare, Lawton, Long, Lipscomb, Logan, Littlejohn, Lancaster, Magrath, Markley, Mauer, Murry, Mills, McCall, Means, Mays, McDuffie, Monroe, S. D. Miller, J. L. Miller, J. B. Miller, McCord, Novell, O'Brannon, Philips, Parker, Porcher, Palmer, C. C. Pinckney, W. C. Pinckney, T. Pinckney, Quash, Rivers, Rowe, Rogers, Ray, J. G. Spann, J. Spann, Simons, Shand, J. M. Smith, G. H. Smith, W. Smith, S. Smith, Stringfellow, Scott, Symmes, Sims, Singleton, Stevens, Screven, Turnbull, Tyler, Tidyman Ulmer, Vaught, Vanderhorst, Wilson, Walker, Williams, Williamson, Woodward, Wardlaw, Whatley, Whitfield, Watt, Ware, Waties, Warren, Young, and the president of the Convention (James Hamilton, Jr.)—136 ayes.

THOSE VOTING NO ARE: Brockman, Burgess, Crooke, Cureton, Chestnut, Cannon, Clinton, J. R. Ervin, R. Ervin, J. P. Evans, Gibson, A. Huger, D. E. Huger, Levy, Lowry, Manning, Midleton, O'Neal, P. Phelps, Perry, John S. Richardson, J. P. Richardson, Rowland, Shannon, Whitten, and Wilkins—36 noes.

Those voting against the ordinance refused to sign the instrument, protesting against it as being unwise and inexpedient.

The vigorous measures enforced by President Jackson to collect the revenues of the government, and the mediation of the State of Virginia, through her Commissioner, the Hon. Benjamin Watkins Leigh, and the act of Congress "reducing and modifying the duties on foreign imports," passed after the action of the Convention, induced this body to pass an ordinance in March, 1833, rescinding the Ordinance of Nullification. The dissolution of the Convention on the 18th

of March, put at rest the question of Nullification, and allayed all apprehensions of a conflict with the general government or of civil war.

In the meantime, the course pursued by Mr. Memminger had not only brought him prominently before the people of Charleston, but had made him quite popular there; so much so, that at the next city election he was made an alderman of the city by a decided majority. He had previously wooed and won the love of Miss Mary Wilkinson, a lovely lady of Georgetown, South Carolina. Her parents were from among those good people of Virginia who, from the earliest history of that great State, have transmitted through generations the graces and virtues of their own peculiar civilization. There is no single act of a man's life more important, or that must affect his future life for weal or for woe more decidedly, than the association of marriage. In this union of hopes and aspirations, this hazard of happiness, Mr. Memminger was certainly blessed. Life was now, to him, worth the living. With the sweet influences of his own home-altar ever with him, new aspirations and holier loves made the labors of the day lighter and the joys of the evening's shade sweeter than ever before.

His most important act as an alderman became permanently fixed in the great shopping street and thoroughfare of Charleston. The great fire of 1838 presented the opportunity, which he was quick to perceive, of widening King street. Accordingly he brought forward and had passed an ordinance condemning a few feet of the lots on either side of the street in the burnt district, which, when that part of the city was rebuilt, made King street, from Society, south, near ten feet wider than it had formerly been, thus adding not only to its appearance, but to the comfort of pedestrians and the convenience of the many vehicles that would in former days almost block this highway. He also drafted a

memorial to the Legislature praying the aid of the State to enable persons whose houses and stores had been destroyed to rebuild the same; which, through his active co-operation with his colleagues, assumed the form of an act of the Legislature known as the "Fire Loan," lending the credit of the State to the unfortunate victims of the fire on such very liberal terms as to enable them to restore the city in better form than before the disaster.

It was at this time that Mr. Memminger first began to study the public or "free" schools of Charleston and the State, to which in subsequent years he brought the energies of his mind in devising the system now so popular, and which, in this respect, meets so admirably the need of the people. In the year 1834, co-operating with Mr. W. J. Bennett, the noble son of his benefactor, Mr. Memminger undertook to reform the whole public school system of the State. Especially did he seek to elevate the standard and make more efficient the system in vogue at Charleston. With this object in view he traveled extensively, with Mr. Bennett as his companion, through the Northern and New England States studying their common-school systems, and gathering such practical information as to their administration as enabled him when he returned to devise, with Mr. Bennett, a plan which, with subsequent modifications and improvements, continues to this day an enduring monument to the honor and memory of these good men—a monument more imperishable than bronze or marble.

In no sense of the word was Mr. Memminger a selfish person. While the noble impulses of a generous nature warmed his soul, he was never guilty of that injudicious expression of this high trait of character which would lavish gifts and bestow favors without regard to the individual, or the results to follow upon his act. However well meant and however noble may be the impulse, it is, alas! for poor hu-

W. JEFFERSON BENNETT.

manity, too often the case that a benefaction proves to be a curse rather than a blessing.

Into his counsels and confidence he received Mr. W. Jefferson Bennett as a younger brother, who had grown into manhood about the same hearthstone and in the same family circle that had received him as a member. There was a very strong attachment existing between these noble men—one that was never broken by any estrangement, but continued to grow in strength and to increase in reciprocal affection until the death of Mr. Bennett, in 1874, left only with Mr. Memminger sweet memories of his friend and adopted brother.

The benevolent character and considerate philanthropy of Mr. Bennett is thus described in an oration delivered at the centennial celebration of the Charleston Orphan House in 1890 by Rev. Charles S. Vedder, D. D. Dr. Vedder quotes from Mr. Montague Grimke, embodying in his own admirable remarks, those of this estimable gentleman.

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It will not be invidious to name Mr. Wm. Jefferson Bennett, to whom, after John Robertson, the Orphan House is more indebted than to any other man. He was a second father to the institution, giving himself to its service with a fervor which never knew respite, and a practical wisdom seldom or never at fault. It was not the privilege of the present speaker to know this estimable gentleman, but he has long known the history of his relation to this institution, and feels fully warranted in this tribute to his memory. "He was," says Mr. Grimke, "the truest patriot and philanthropist I ever met, and few of the present generation have any conception of the extent and value of his labors in behalf of education and charities in this city."

Such was the intimate, life-long friend of Mr. Memminger, who loved Jefferson Bennett from an intuition of his own nature that made him a kindred spirit. From the same eloquent address I extract the following tribute to Mr. Memminger:

Nor was that eminent chief magistrate (Hon. William A. Courtenay) content with rehabilitating in honor the men and memories of the re-

mote past. Under his administration, the Council Chamber of the city became in its measure a gallery of monumental tributes to the great and worthy of more recent days. We may well signalize this fact to-day because one of those whose lineaments are thus preserved in imperishable marble was once an Orphan-House boy, rising by dint of his own industry, energy, and ability to exalted places in the State and in the Confederate Cabinet; his achievements in behalf of education in this city were deemed worthy by his fellow-commissioners of the public schools of an abiding recognition in the city's capital.

As a practical result of the visit of Mr. Memminger and Mr. Bennett to the public schools of the northern cities and States we have the present excellent system of graded schools in Charleston, second in efficiency to none in the United States. In this work Mr. Memminger was also ably assisted by the Hon. A. G. Magrath, who became a member of the Board of School Commissioners, and brought to the work of these good men the resource of his accomplished intellect and his devoted patriotism. An act of the Legislature was passed authorizing the municipal government of Charleston to levy a special tax for educational purposes. This measure was opposed, with surprising zeal, by those whose want of knowledge of the system, or whose prejudice against "free schools," caused them to go to great extremes in manifesting their disapproval. From an official circular, issued by the "Bureau of Education of the United States," Hon. N. H. R. Dawson, Commissioner, published in 1889, I extract the following condensed statement:

The commissioners in Charleston had seen the intent of the original act, and had set to work to carry it out. Public schools had succeeded in Nashville and New Orleans, and why not in Charleston? This is what Mr. Barnard pointed out when he had prepared a communication on public schools at the request of Governor Alston and others. The schools in Charleston had followed the general course of the others in the State. Under the law, five houses had been erected and furnished by the teachers, on a salary of nine hundred dollars. The attendance had been in 1812, 260; in 1818, about 300; in 1823, about 320; in 1829, about 467; in 1834, about 525.

But the Charleston commissioners, especially C. G. Memminger, A. G. Magrath, and W. Jefferson Bennett, roused from their lethargy, and in the face of bitter prejudice revolutionized the system. They worked on a totally different plan. Their aim was to provide schools for all, and not for pauper pupils only. In 1855 they built a house on St. Philip's street at a cost of twenty-five thousand dollars, to accommodate eight hundred pupils. Three years later they erected another on Friend street at a cost of thirty thousand dollars. A kind of normal school for teachers was formed to meet every Saturday under the direction of the superintendent of public schools. They also built a high school for girls at a cost of twenty-five thousand dollars, of which the State paid ten thousand dollars and the citizens of Charleston the remainder. The expenses of its maintenance were ten thousand dollars annually, of which the city paid half and the State guaranteed the other half on condition of being permitted to send ninety pupils. A normal department was attached to this.

The whole system was inaugurated with appropriate ceremonies on July 4, 1856, when Dr. S. H. Dickson delivered an address. It was modelled on the "New York" plan, and the heads of the schools were brought from the North, so that teachers thoroughly acquainted with the system would direct the management. . . . . .

In a short time the number of children in attendance was one thousand four hundred, and there were more applications than could be granted. In 1860 the attendance was four thousand.

This was done in the face of strong opposition. "Fair Play" openly charged that the change had been made in order that the new board might get the benefit of the "spoils," and claimed that they had overstepped their limits in setting up common schools, when the act only called for free schools. He also called attention to the resolutions of the last session of the Legislature, which had "re-announced the fact that the free schools are for the poor." He concluded by confidently venturing the prediction "that the new system, unsupported as it is by law, will not succeed." But it did succeed, and, according to a writer in *Barnard's Journal*, "revolutionized public sentiment in that city, and was fast doing it for the whole State when the mad passions of war consummated another revolution."

The public schools of Charleston are handsome structures, admirably adapted to the purpose for which they were designed, and well equipped with all the necessary appliances for instruction from the kindergarten to the high school, from which the youth of either sex may go with

much better educations than some receive from institutions of more pretentious claims. The buildings bear the names of those who have been most deeply interested in their construction and in the blessings they bestow upon the community in which they are so well maintained.

The Bennett school for Mr. Wm. Jefferson Bennett; the Memminger school perpetuates the name of the one whose history I am writing; the Crafts school in honor of Hon. William Crafts; the Courtenay school for Hon. Wm. A. Courtenay, while others quite as well equipped bear the names of the streets on which they are located—as the Meeting-street or Mary-street schools. Mr. Memminger did not confine his interest in public education to the city of Charleston alone. No one of our public men did more towards aiding the institutions of the State designed to furnish to its citizens the advantages and benefits of an educational system that would reach all classes and conditions. As early as 1841 we find from an examination of the Journal of the House of Representatives that as a member of that body he introduced the following resolution:

Mr. Memminger submitted a resolution, which, after a few remarks from him, was unanimously agreed to and ordered to the Senate, directing the commissioners to provide for the education of the deaf and dumb children of this State, and to appropriate one-half of the amount for the education of the deaf and dumb to the education of the blind of this State at institutions specially to be provided for the education of the blind.

Thus was commenced the noble charity of the State which gives to those unfortunates who have been deprived of sight, who have no sense of hearing, and are dumb, the means of acquiring an education of other faculties, by which means many are now enabled to make comfortable livings.

CHAPTER IV.

The Lawyer and the Law-giver.

THE ability displayed by Mr. Memminger at the Bar of Charleston, the earnest and faithful manner in which he discharged the duties imposed upon him as an alderman, added to his popularity. So much so, that at the fall elections of 1836 he was chosen one of the members of the House of Representatives from the parishes of St. Philips and St. Michaels, in which was situated the city of Charleston. His election may be also considered as a triumph of the Conservative or Union State Rights Party, which from the reaction that followed the excitement and alarm engendered by the discussions of the Nullification measure, became stronger at this time than it had been before, or has since been, in the goodly city by the sea.

While the earnest spirit and logical mind of Mr. Memminger had been made manifest in the debating society, the court-room, and in his public addresses; and while these all gave great promise of a future career of distinction and of usefulness, he was yet to evidence those wonderful powers of analysis, and that remarkable sagacity which made him so prominent as a statesman and ranked him among the ablest lawyers of the country. The great political economist and wise legislator, the jurist and the advocate, was yet to become a demonstration, and take his place among the representative men of his time.

Mr. Memminger's introduction into public life was at a most opportune time for the display of his natural endowments, and furnished many occasions for the exercise of the

talents committed to his keeping by the Creator of all men. We do not fail to achieve success in life for the want of opportunities. These come to all men, and are just such as their abilities enable them to perceive, and their energies enable them to properly improve. It is indeed true that "there is a tide in the affairs of men," and it is also true that this tide must be taken at its flow. It will not take you forward or backward against your will or your wish, but you must take it. It will not rise to some height, where your vanity may have taken you to wait in listless apathy and dream away life in the seductive shades of inaction, where you have allowed yourself to become fixed above the highest water-mark of all opportunity, but it surely comes to "lead on to fortune" those who are willing and active in the judicious improvement of every occasion, however small, to meet its "flood." Such an one never fails to find an occasion, and is sure to meet with an opportunity. Mr. Memminger well understood this, and no one more fully appreciated than he did the value of time and the necessity for decision and prompt action. His remark to a gentleman with whom he was once conversing, that "one often lost more time in deciding what to do, than was required to do it in," is but an expression of his active nature.

In order that the reader may have a clear conception of the general condition of the country at the time that Mr. Memminger entered upon public life as a legislator, I will endeavor here to outline this, and measure, if possible, the "*tide*" that bore him and others on to fame and fortune.

The great McDuffie was then Governor of the State; he whose prescience was but the intuition of a great mind, and whose record remains with us to-day among the glories of the past—a splendid chapter in the history of South Carolina—whose name and face, with that of the great Hayne, is carved upon our State House as the synonym of patriot-

MR. MEMMINGER
at 30 years.

ism. Governor McDuffie's message to the legislatures of 1835 and 1836 so clearly state the condition of public affairs at that time, and the subjects that were brought to the consideration of the legislators are so distinctly set forth that I reproduce them in the Appendix to this work, and ask the reader's reference thereto. These State papers will not only grace this Memoir, but are deemed by the writer the best means of presenting a just conception of the momentous questions that for years after engaged the attention and invoked the thoughtful consideration of the best and wisest men of the entire country, and are yet forming, to a certain extent, subjects for discussion that excite in the minds of the patriot the gravest apprehensions.

The session of the House of Representatives in which Mr. Memminger first took his seat as a legislator was remarkable in that it brought to this Council Chamber of the State a number of young men who have since become distinguished in the history of this State, and whose names are familiar to thousands throughout the country.

MEMBERS OF THE HOUSE OF REPRESENTATIVES, NOVEMBER, 1836.

St. Michael's and St. Philip's Parishes.—Kerr Boyce, Otis Mills, C. G. Memminger, Richard Yeadon, Jr., Joshua W. Toomer, John Phillips, Samuel P. Ripley, Charles Edmondson, Edward H. Edwards, R. W. Seymour, John C. Ker, George Gibbons, James L. Petigru, Wm. Cross, Edward Frost, John Huger.

Williamsburg.—Joseph Scott, W. J. Buford.

Lancaster.—Wm. Reed, J. P. Crockett.

Horry.—John W. Durant.

Prince William.—J. B. Ellis, James S. McPherson.

St. James, Santee.—John A. Wigfall.

St. John's, Berkley.—Peter P. Palmer, F. A. Porcher.

All Saints.—Joseph Alston.

Laurens.—John H. Irby, Henry C. Young, Thomas F. Jones, John F. Kern.

Marlborough.—C. W. Dudley.

Prince George, Winyaw.—John W. Coachman, T. P. Carr, A. H. Belin.

St. Mathews.—Thomas J. Goodwin.

Fairfield.—David McDowell, David H. Means, John Buchanan, John J. Myers.

Union.—Wm. M. Glenn, M. A. Moore, A. N. Thompson.

Marion.—Wm. W. Harllee, Samuel F. Gibson.

Richland.—B. F. Elmore, J. H. Adams, D. J. McCord, B. L. McLaughlin.

Pendleton.—F. W. Symmes, O. R. Broyles, John Maxwell, John Martin, Joseph T. Whitfield, Joel H. Berry, Bailey Barton.

Clarendon.—Wm. R. Burgess, James P. Richardson.

Claremont.—Isaac Lenoir, James W. English, R. R. Spann.

Lexington.—Henry Arther, Samuel Boozer.

Newberry.—John P. Neel, James Moffett, P. C. Caldwell.

York.—J. D. Witherspoon, Samuel Rainey, James Moore, A. Hardin.

St. Luke's.—James A. Strobart, William F. Colcock.

St. Bartholomew's.—John D. Edwards, J. Murdough, Hugo Sheridan.

St. Andrew's.—W. T. Bull.

Barnwell.—John M. Allen, John B. Bowers, W. M. Duncan.

Kershaw.—John Murry, Lewis J. Patterson, M. M. Levy.

Abbeville.—David L. Wardlaw, James Fair, A. B. Arnold, James Gillam, Donald Douglass.

Chester.—John Douglass, William Woods, F. W. Davie.

Spartanburg.—John Crawford, H. H. Thompson, A. Barry, John H. Hoey, S. N. Evins.

Edgefield.—John S. Jeter, James Tompkins, John Hunt, Tilman Watson, Abner Whatley, M. Laborde.

St. James, Goose Creek.—John Wilson.

St. Helena.—Thomas I. Fripp, A. M. Smith, Charles W. Capers.

St. Paul's.—Benjamin Perry.

Greenville.—Benjamin F. Perry, Spartan Goodlet, T. B. Brockman.

Orange.—W. D. V. S. Jamison, Elisha Tyler.

St. George's, Dorchester.—David Gavin.

St. Peter's.—W. G. Roberds, William W. Gavin.

Darlington.—George Huggins.

From among these representatives David L. Wardlaw, of Abbeville, subsequently eminent in the history of the State as a jurist, was chosen "Speaker." There is no more important duty imposed upon the presiding officer of a legislative body than that of forming the committees, to whom are referred for special investigation and report such matters as may come before the body for consideration. In making these appointments he is supposed to be selecting from

among the members those whose experiences and abilities best qualify them for the discharge of the special duties assigned to them. I find upon an examination of the Journal for this session that the following members composed the Committee of "Ways and Means" (or Finance): F. W. Davie, C. G. Memminger, Benj. T. Elmore, F. W. Symmes, Charles Edmondson, Ker Boyce, Otis Mills, F. A. Porcher, A. B. Arnold, Thomas E. Powe, John Wilson, and Lewis J. Patterson.

On "Federal Relations" the following were appointed: Richard Yeadon, Jr., M. Laborde, James L. Petigru, C. G. Memminger, Benj. F. Perry, F. W. Davie, J. H. Irby, John S. Jeter, A. H. Belin, D. J. McCord, J. T. Whitfield, John D. Edwards, H. H. Thompson.

On "Education": C. G. Memminger, W. F. Colcock, V. D. V. Jamison, James A. Strobart, M. Laborde.

It will be seen that upon three of the most important committees of the House, Mr. Memminger, at this, his first session, was appointed to serve, and was made chairman of one—that on Education. This unusual distinction is seldom, if ever, conferred upon a new member unless he has manifested his ability, and is recognized in a body composed of such representative men as being fully adequate to the discharge of the duties imposed. He does not appear to have engaged, to any great extent, in the debates of this session. Beyond the work of the committees to which he was assigned he was doubtless engaged in studying the rules of the House and mastering the precedents and formulas of parliamentary practice, in which he became a great proficient in after years, and through the knowledge of which he was enabled in many subsequent sessions to become, in fact, the leader of the House, and a most useful member of this body. He was preparing himself for that long term of public service which, beginning with this year, was only inter-

rupted in 1860, when his abilities and experiences were transferred to the Cabinet of President Davis and the service of the Confederate States as Secretary of the Treasury. The careful study of the financial policy of the State and of the banking system then authorized by law, claimed his special consideration, in connection with public education, and formed the chief subject matters of his thought. In the next session these subjects brought from him such expressions of his statesmanship as led in the end to the adjustments which secured for South Carolina her high financial standing, and kept her securities and her bank currency at par with the best in the United States. The only measure of consequence originating with Mr. Memminger, and that took the form of law at this session, was an act to prevent the circulation of mutilated bank bills; mentioned here from the fact that it was the first bill he introduced and the first law he ever framed. He also introduced a bill to regulate the lien of decrees in equity, but it failed to pass at this session as it did in the session of 1837; but with a pertinacity characteristic of its author, it was reintroduced at succeeding sessions until finally it became a statute of the State.

The year 1837 brought to the country one of those revulsions which at different periods have evidenced the instability of our financial systems in the United States and brought great disaster upon the people.

This special one grew out of the hostility of the Republican or Democratic party to the United States Bank, which was regarded as being only a feature of consolidation—the cardinal principle of the old Federal or Whig party. Proximately it was occasioned by the withdrawal of the deposits of the United States Government from the United States Bank and placing them with local banks in various sections of the country—a measure of President Jackson. The result

was a widespread depression in all business matters, producing bankruptcy among merchants and business men unparalleled before in the history of our country.

The effect upon the industrial interests of South Carolina is well presented in the message of Governor Butler to the Legislature of 1837, from which I make the following extracts. The reader will be thus better prepared to understand the legislation that followed and was rendered necessary to establish a solvent banking system in South Carolina, and in which Mr. Memminger was not only an active participant, but in which he established his reputation as a leading statesman.

GOVERNOR BUTLER'S MESSAGE.

EXECUTIVE DEPARTMENT, November 28, 1837.

Fellow-citizens of the Senate and of the House of Representatives:

At the time of your last adjournment the country was apparently in the enjoyment of unparalleled prosperity. Subsequent events have only developed the true state of things which then existed, and which has resulted in great political confusion and commercial embarrassment. The change was so sudden and unexpected that even the wisest and most prudent were not prepared for it. Although you meet in the midst of difficulty and confusion, and under circumstances seemingly more unfavorable than when you adjourned, I cannot but regard the country in a better situation now than it was then. As our distresses have, in some measure, arisen from the money-making spirit of the times; and as they address themselves to our individual interests, I feel confident that we will profit by the enquiry and discussions that have ensued. The people have been excited to the consideration of subjects which have heretofore too little attracted public attention; and I am satisfied that the country will go through and rise from the severe trial of the times, with improvement and ultimate advantage. Our calamities have proceeded from the passions, contrivances, and imprudences of the people themselves and their federal rulers. In a time of profound peace, and while at liberty to follow the pursuits of our own choice, we have brought about the evils of which we complain. Under the influence of a kind Providence, we have just cause to be happy and thankful for the many blessings we are permitted to enjoy; and should manifest our gratitude to the great Ruler of events for the present prosperous condition of the State. The harvests have been sufficiently abundant to satisfy all reasonable demands. The country enjoys uninterrupted peace and general good health.

I have no disposition, as Governor of the State, to interfere with questions that are committed by the Constitution to the exclusive jurisdiction of Congress. But where our State has deeply participated in the evils which Congress is called upon to remedy, I hope it will not be deemed improper to make a few suggestions concerning the remedies to be applied to a common misfortune. The condition of the monied affairs of the country is deplorable, and form a subject of the deepest and most profound consideration. The derangement and confusion of the currency have produced much embarrassment and suffering in every grade of society, and in every species of business. This general and wide-spread distress has arisen not so much from a want of money, as a want of confidence in what is used as money. Much of this disorder in the currency owes its existence to the unfortunate experiments made upon it by the late Federal Executive. The war which was begun by him upon the United States bank was the commencement of the confusion and embarrassment in our monetary affairs. Until that time we had a perfectly good and sound currency. The government deposits were taken from the United States bank, where they were safely kept, and placed in State banks selected for that purpose; these deposit banks were urged and stimulated to excessive issues to make profitable the money furnished them by the government; the facility of borrowing money from them and other banks tempted and encouraged wild and extravagant speculations. This fever for speculation became so contagious and contaminating as to threaten the country with general bankruptcy. After the country was thus flooded with a redundant depreciated currency, the late President of the United States (who had contributed so largely the means for this overtrading) was the first to excite alarm and create suspicion and distrust in the deposit banks by the issue of the Treasury circular. A general feeling of distrust and fear extended itself through the country; a run was made upon the banks, and they, from necessity, suspended specie payments. However necessary the measure may have been on the part of the banks, it is very much to be regretted, as it has not only served to embarrass the government, but to cast odium on the country generally. Any legislative action of a single State, without the co-operation of others, to attempt to coerce the banks to resume cash payments, would be impolitic and unjust. So far as to the Federal government belongs the constitutional right of regulating and controlling the currency, we may indulge the hope that her wise and deliberate councils may devise some means to extricate the country from its present embarrassed and deplorable condition. But I have no confidence in any remedy for the existing evil, except in the enterprise of our people, and the abundant natural resources at their command.

The important object for consideration at present is to give healthful action to the banks, and get them in operation again by redeeming their

notes with specie. Every inducement and encouragement should be afforded to the banks to resume specie payments by discriminating between the notes of banks which pay specie and those that do not. Whatever may be the evils occasionally resulting from a currency principally composed of credit in the form of convertible bank paper, it is now too late to speculate upon the possible advantages of returning to a currency exclusively composed of the precious metals. In the existing state of the currency of the commercial world, and particularly of the United States, it is utterly impracticable, and would be absolutely ruinous, if it were possible to effect it. In point of fact, four-fifths of the actual currency of the country consists of bank paper, which is received as money, not because it is the representative of specie (for such certainly it is not), but because the public have confidence in the solvency of the banks, and of their ability to redeem in specie such portion of the bills as the state of the exchange, foreign and domestic, may cause to be presented for payment. The interest of the banks, not less than their duty, prompts them to be prepared to redeem their bills in specie. In such a state of things, and unless they have been tempted by extraordinary causes to issue excessively, their ability will be equal to their obligations. But no bank or system of banks that ever existed could meet the demands produced by a general loss of the public confidence. The existing currency, therefore, is neither specie nor the representative of specie, but credit so regulated as to be of equal value to specie for all the purposes of trade. Such being the actual condition of our currency, to withdraw suddenly from circulation all that portion of it which consists of credit, would be to reduce all the property of the country to one-fourth of its present value; and to compel all persons who are in debt, to pay four times as much as they contracted to pay. Credit is the reward of honesty and integrity, and to attempt to destroy a currency founded upon it, in this advanced state of civil society, would be contending against the lights of experience and civilization. Our country has advanced to her present high and prosperous condition by the use of banking establishments. The wants of the commercial world in its mutual dealings and transactions, are far beyond what the existing amount of the precious metals can possibly supply, and paper money is absolutely necessary as the representative of the credit which mercantile people repose in each other. Commercial credit is based on the assumption that it is the interest, as well as the duty, of every man to be an honest man, to perform punctually his promises and contracts. By means of this system of mutual credit, we embark confidently in enterprises and undertakings which no procurable amount of gold and silver could be obtained to supply, and which, in the actual enterprises of modern days, would not be a tenth of the sum required. To cherish credit, public and private, is to cherish honor and honesty as the actual basis of human dealings. By so doing we exalt the national character, by expecting and enforcing the habit of

punctuality between individuals; and each man, under the protection of public opinion, as well as of the law, is enabled by means of this mutual confidence to embark in projects useful to himself and the public, which gold and silver do not exist to stimulate. Public credit may then be regarded in the present day as the parent of all useful enterprise; as the great source of mutual honor and honesty, and of mutual respect in society. People risk their property with feelings of perfect safety under its protection, and by means of it, the modern character of civilized society is adorned and ennobled far beyond the standard of ancient times, though pictured as the gold and silver age. But if public confidence be established as the great moving power of modern enterprise, it is absolutely necessary that some written memorandum should be taken at the time of the extent to which it is reposed. By making these memorandums negotiable, we are driven into a system of paper money; to render this safe to the holder it must be convertible into the common currency adopted in part throughout the world—into metallic coin. The more perfect the system of public credit and mutual confidence, the less is the amount of gold and silver necessary to sustain it. That evils may arise from the defective construction of this part of our commercial machinery; that stricter regulations may be necessary to repress dishonest or imprudent speculation and afford additional safeguard to the creditors, may well be allowed, for experience has shown this to be the case. No revolution recorded in history has produced so great a change of property as such a change in the currency would produce if suddenly brought about, and even if effected by a very slow process, though the intensity of the suffering would be diminished, it would be more protracted. All that can be safely accomplished by Federal or State legislation should be attempted to regulate the existing currency so far as to preserve its credit by preventing extravagant and redundant issue on the part of the banks. In my opinion indulgence might be afforded to these institutions to the extent that prudence will allow. This State should not be behind any of her sisters in promptly resuming specie payments as soon as practicable. Good faith and justice to herself require it. In saying all this I mean only to point out the general principles of future action which prudence and caution render evident to myself.

It will be satisfactory to our citizens to know the present condition of the various banks in our State. I, therefore, applied to the presidents of these institutions and received from them, with commendable promptness, the information I requested, with the exception of the Bank of Georgetown, which received my communication too late to be able to furnish its return in time for this message, but which has been promised, and is hourly expected—a proof of their readiness to satisfy the public that the bank credit of the State will bear examination. I have caused

the annexed abstract and summary to be drawn up from the documents transmitted to me, from which it appears that the liabilities of the banks of this State to all others than to their own stockholders are as follows:

Circulation of their notes as stated therein		$5,011,656 56
Deduct held by them of each other's notes, and of course not in circulation		622,571 14
Whole circulation		$4,389,085 42
Individual deposits		3,221,270 74
Due the United States		88,058 34
Due public officers		74,130 35
Whole liabilities		7,772,554 85
To meet these the banks have—		
Specie	$1,436,315 12	
Public stocks	1,068,130 02	
Treasury notes of United States	94,500 00	
	2,598,945 14	
Debts due them by individuals on notes and bills discounted and other securities	16,657,217 64	
Whole assets	$19,256,162 78	
In addition to this, under their charters, the individual liabilities of their stockholders to double the amount of their stock, exclusive of the Bank of the State of South Carolina, amounts to	15,182,202 00	
Whole security to the holders of the notes of and depositors in our banks		$34,438,364 78

To this must be added the pledge of the State for the liabilities of the Bank of the State of South Carolina.

As further security to the public, I hope in future no bank will be instituted without rendering the individual stockholders liable in at least twice the amount of the stock they hold for the debts of the institution, and that all proceedings against banks by their creditors shall be rather of a summary than a dilatory character. As a future provision, I am strongly of opinion, also, that no bank should be permitted to go into operation till at least three-fourths of the capital subscribed shall have been actually, substantially and availably paid in; also, that the directors should be prohibited from all discounting of stock notes. The public will become satisfied with these institutions in proportion as they see real and effectual provisions enacted to secure the due performance of the contracts which banks enter into for their own benefit.

So much of Governor Butler's message as related to the currency and the financial condition of the country was referred to a special committee, consisting of Messrs. Davie, Memminger, Yeadon, Rhett, Colcock, Jones, and H. H. Thompson. This committee, after mature deliberation, reported to the House of Representatives the following resolutions :

Resolved, That in the opinion of this Legislature it is expedient that the revenues of the Federal government be so collected as ultimately to sever the government from all connection with the banks.

Resolved, That in the opinion of this Legislature the revenue of the Federal government should be so deposited, kept and disbursed as not to be connected with or used in banking operations.

Resolved, That it would be unconstitutional, inexpedient, and dangerous to incorporate a National Bank for managing the fiscal operations of the government.

Subsequently, Mr. Rhett offered an additional resolution, "that it is not intended to reflect any discredit upon the banks generally of the United States, nor, least of all, upon our own, of whose sound condition, as compared with the other parts of our banking system, the Legislature is fully satisfied."

The debate which took place when these resolutions were brought to the consideration of the House called forth the first expressions of Mr. Memminger's ability as a statesman, and at once placed him in the front rank of the political economists and debaters who were arrayed for and against the National Bank. On the 10th of December, as a substitute for these resolutions, Mr. Memminger introduced the following :

1. Resolved, That this Legislature is of the opinion that the public moneys of the United States ought not to be subjected to the casualties and fluctuations of banking operations, but should be gradually and ultimately entirely separated therefrom.

2. Resolved, That in the opinion of this Legislature such a separation ought not to impair the public confidence in well-regulated banking institutions, but would rather tend to promote their stability and credit.

3. Resolved, That as the trade and business of the country and the fiscal concerns of the United States have been for a great length of time conducted by means of banks, and as any great and sudden change in the channels of business may tend to injure the most important interests of society, it is the opinion of this Legislature that the dues of the general government, or a portion thereof, ought to be received and paid away in the notes of specie-paying banks, until sufficient time should be allowed for the course of trade to accommodate itself to the separation proposed.

4. Resolved, That this Legislature considers it essential to a proper administration of this policy that the government should accumulate in the Treasury no moneys beyond its actual immediate wants, and that the gold and silver which may be collected for dues shall immediately return by payments into the circulation of the country.

5. Resolved, That a bank of the United States, chartered by and conducted under the auspices of the government, is unconstitutional and inexpedient.

These resolutions were, in fact, a minority report, Mr. Memminger presenting and alone advocating them before the committee, in lieu of those heretofore referred to as the majority report.

The debate on these resolutions as a substitute was protracted through several days of the session. Mr. Petigru, who was not alone in theory but in conviction an unqualified Federalist of the Hamilton school, led the opposition to the resolution and the substitute, and was ably seconded by Messrs. Perry, Yeadon, Toomer, Irby, Means, Adams, Thompson and Strobhart. The substitute was finally defeated and the debate renewed on the original resolutions as reported by the committee. It was in this debate that Mr. Davie of Chester, Messrs. Seymour, Porcher and Laborde, in advocacy of the resolutions, made themselves distinguished and began a career that justly associates them with the great Carolinians of that day. The resolutions were passed by a very large majority vote, but not without decided opposition, as I have heretofore shown. Men of great ability and sincere convictions championed the National Bank cause from motives which were undoubtedly

free from even a suspicion of corruption. A few were Federalists, as decidedly and as sincerely so as was ever John Knox or Alexander Hamilton. This measure was the chief concern of Mr. Memminger at this session, and in its discussion he at once moved into the orbit of great minds that have made the galaxy of our intellectual firmament in Carolina resplendent for the past century. There were other matters of minor importance with which I find him interested, especially with regard to the public and private interests of the city and the constituency he so well represented. Indeed, there is scarcely a page of the Journal of the House of Representatives that does not bear witness to the earnest spirit with which Mr. Memminger discharged the duties entrusted to him as a legislator. I select from among the many measures he brought forward only such as, because of their importance and bearing upon public interests, make them not only illustrative of the philosophic cast of Mr. Memminger's mind, but historic and of general interest to the reader. It was at this session of the Legislature that Mr. Memminger was elected one of the trustees of the South Carolina College, a position of honor and of responsibility, which he continued to fill with great benefit to his alma-mater for many succeeding years.

Upon the organization of the House of Representatives in 1838, Mr. Memminger was made chairman of the Committee of Ways and Means, and also of a special committee to revise the rules of the House. It was at this session that he succeeded in having enacted a bill prepared by himself to amend the act previously passed for rebuilding the city of Charleston. The great fire of this year swept as a besom of destruction over the devoted city, laying in ashes many hundred houses and reducing to comparative poverty hundreds of citizens. Without the means of rebuilding, and without a credit upon which to secure the means, these

unfortunate people were in almost a helpless condition. South Carolina has always sustained a maternal relation to her children, and was ever ready in the golden era of her history to aid those who were by such calamities reduced to a necessitous condition. This amendment to the original bill enabled the unfortunate owners of lots in the burned district to obtain a loan from the Bank of the State on such easy terms as greatly facilitated the work of rebuilding their houses and restoring the city with even more attractiveness than it possessed before the great fire of April.

As chairman of a special committee to whom was referred so much of the message of Governor Butler as related to the resumption of specie payment, Mr. Memminger reported a series of resolutions similar in substance to those reported by him at the previous session of the Legislature. The resolutions provoked a long debate—one calling out the highest expressions of forensic effort on the part of Messrs. Memminger, Wardlaw, Colcock, Bellinger, and Philips in support of the resolutions, and Messrs. Perry, Irby, J. P. Read, Thompson, and Petigru in opposition. The discussion continued through several days, when finally the question was ordered and a vote taken, which indicated 103 for the resolutions and 10 opposed. These proceedings were but making more emphatic those of the preceding Legislature, and clearly indicated the increased opposition to the United States Bank and the methods adopted by the general government of depositing the federal revenues with the State banks. I have singled out the legislation had at this particular time on the subject of banks and banking, not because Mr. Memminger confined his energies of mind as a legislator exclusively to this important branch of the public service, but that I may prepare the way for the reader to fully comprehend all of the circumstances, both Federal and State, which led to the institution of proceedings in the

courts against the Bank of the State by the State of South Carolina—a celebrated suit, which, while it forms a part of the history of this period, will present the great legal abilities and knowledge of Mr. Memminger, as the Journals of the House of Representatives preserve the record of his sagacity as a legislator. As heretofore stated, there are but few pages of the Journals of the House of Representatives that do not record his name in some way connected with the legislation of that body upon almost every question of any importance brought before it. For two decades, as chairman of the Committee of Ways and Means, there was no bill reported for providing the revenues of the State that did not pass the scrutiny of his investigation; while as the chairman, or a member of many standing and special committees, he appears among the most active and earnest of the sons of Carolina in the unselfish service of his fellow-citizens. It is apparent that Mr. Memminger was opposed to a National Bank, as it existed in that day, and for reasons so clearly stated in the resolutions presented by him to the House of Representatives, that I do not deem it necessary to add a word to their significance.

He did not oppose the maintenance of a State Bank under proper restrictions, and for the uses of the whole people, under such legitimate relations of commercial exchange as the experience of all reputable political economy would sanction, but he opposed any and all deviation from well established principles that would set up an artificial standard of values or limit the bank's privileges to comparatively a few persons. He believed that banks were public institutions, and were not to be recognised by the law-making power as mere agencies for speculation; that they were designed for the convenience of the people, and not authorized for mere money-making purposes; that as public institutions they had never been invested with the right or

the authority to take advantage of circumstances, and advance the interests of stockholders to the damage of the general community. Hence he sought in every way possible to guard the funds of depositors, and to make and to keep the banks solvent by limiting their powers and guarding their issues of bills and other liabilities against the possibility of an improper and illegitimate relation to a universally recognised and normal standard of values.

His wisdom and integrity of purpose was recognized by the constituency, who honored him with their confidence and by the legislative body in which he held a seat, the active, able and earnest exponent of sound financial philosophy.

In 1840 Mr. Memminger prepared and introduced a bill entitled "An act to provide against the suspension of specie payments by the banks of South Carolina." It was under the provisions of this bill that proceedings were instituted by the State against the Bank of South Carolina to vacate the charter of the bank on the ground of its having suspended specie payment, and the payment of deposits on demand. I desire to present this case in full, as with a few others I may select, it will be the best evidence I can lay before the reader of the ability of Mr. Memminger as a lawyer, and of his sagacity as a statesman.

"The Bank Case," as it is known among the lawyers, but more properly the case of the State *versus* the Bank of South Carolina, was an issue joined on a *scire facias* sued out of the Court of Common Pleas for the District of Charleston, to vacate the charter of the bank on the ground that the bank had suspended specie payments of its bills and of deposits. The declaration recites the writ, then sets forth and alleges that the persons named therein, and their successors, were incorporated by an act of the General Assembly of the State of South Carolina, ratified on the 19th of December, 1801,

and recites the several acts amending the charter. The *scire facias* recites the privileges and franchises of the bank, and the use of the several liberties, privileges and franchises given to it by the act of incorporation, and then further alleges "that the president and directors, for the time being, of the said Bank of South Carolina, resolved to suspend the payment of gold and silver, legal current coin of the said State, as well as of all promissory notes and bills of credit in the nature of a circulating medium put forth and issued by the said Bank of South Carolina, and of all moneys received and held by the said Bank of South Carolina on deposit, as of all other debts, dues, obligations and liabilities whatsoever of the said Bank of South Carolina, and then and there declared the determination of the said Bank of South Carolina to suspend and refuse the payment of gold or silver, legal current coin of the said State, of the promissory notes and bills of credit in the nature of a circulating medium of the said Bank of South Carolina, and of all moneys received and held by the said Bank of South Carolina on deposit; and that the said Bank of South Carolina from the 18th day of May, 1837, until the 1st day of September, 1838, . . . continually did refuse, on demand made at the banking house of the said Bank of South Carolina, . . . to redeem or pay in gold or silver, legal current coin of the said State, the promissory notes and bills of credit in the nature of a circulating medium of the said Bank of South Carolina, which had been put forth and issued by the said Bank of South Carolina, and did then and there refuse to pay, in the said coin, the moneys received and held by the said Bank of South Carolina on deposit," etc.

The *scire facias* then, in the same manner, alleged a second suspension of specie payment on the 14th of October, 1839, and from that day to the 21st of July, 1840, during which time the bank continued to do business, receive de-

posits, discount notes and issue bills paying out only its own notes and the notes of other suspended banks.

"The *scire facias* lastly set forth that by an act of the General Assembly of said State, ratified on the 18th December, 1840, entitled 'An act to provide against the suspension of specie payment by the banks of this State,' it was provided that the provisions of the said act should be and become a part of the charter of every bank already incorporated within the said State which had heretofore suspended the payment of its notes in legal coin, or which had declared its determination to refuse or suspend such payment, and that every such bank should, on or before the first day of March next, after the ratification of the said mentioned act, notify the Governor of said State of its acceptance of the provisions of the said act, and in case any such bank should neglect to give such notice, the said Governor should forthwith cause legal proceedings to be instituted against such bank for the purpose of vacating and declaring void its charter. The *scire facias* averred that the bank did not accept the said act within the time specified," etc.

To this declaration the defendants pleaded—*first*, not guilty; *second*, that the bank at or between either of the times mentioned in the declaration did not, on demand made, refuse to redeem or pay in gold and silver, etc.—a general denial; *third*, that the bank did not continually refuse to pay its depositors in gold or silver on demand; *fourth*, "*nul tiel record*," as the charter alleged in the declaration; and, *fifth*, a special plea—to-wit: . . . . .

The Bank of South Carolina saith that before the 18th of May, in the year 1837—that is to say, on the 1st day of May, in the year aforesaid—the banks in New York, Baltimore, Philadelphia, Richmond, and Fayetteville had suspended specie payments; by reason whereof an extraordinary scarcity and appreciation in value of gold and silver coin took place, whereby the payment of the notes of the Bank of South Carolina, and of the debts due and owing by the said bank for deposits in

gold and silver without delay became impossible; and the said, the Bank of South Carolina, in common with all the banks in Charleston, did resolve to suspend the ordinary redemption of their bills and the payment of their deposits in gold and silver until such time as the same could be done by solvent banks in good credit with safety to the country, as well they might. And that on the first day of September, in the year 1838, the said Bank of South Carolina resumed the ordinary payment of gold and silver, in satisfaction of their debts and liabilities without delay, until the 14th day of October, in the year 1839; and that before the last-mentioned day another general suspension of the banks in Philadelphia and Baltimore, and in the States of Virginia and North Carolina, as well as of the banks to the south and west of Charleston, with like effects, took place; that in consequence thereof the demand for gold and silver, in payment of bank notes and deposits in bank, became and were extraordinary and irregular, having no reference to the quantity of paper in circulation or unto the credit or solvency of the banks on whom such demands were made, but solely to the drain of specie for foreign markets, and for the traffic in gold and silver carried on by persons trafficking in the precious metals; that the said Bank of South Carolina, on both the said last-mentioned days and years was, and from thence continually has been, a solvent company, having sufficient means for the payment of its debts without any diminution of its capital stock; but by reason of the confusion of commercial affairs and extraordinary demands for coin, the said bank was not able to pay its dues and liabilities in gold and silver coin without making oppressive and ruinous exactions of its own debtors, and that under these circumstances the president and directors of the said bank, in common with divers other good and solvent banks of the city of Charleston, resolved to suspend the payment of gold and silver coin, etc. . . .
And that afterwards—to-wit: on the 21st day of July, in the year 1840—the said Bank of South Carolina, having all along kept in view the duty of paying their debts and liabilities in gold and silver coin, according to the law of the land, made their arrangements to accelerate, as far as in them lay, the day when the resumption of specie payments might be made, without great and material injury to all persons indebted to them, did resume the ordinary payment of specie in discharge of their dues and liabilities, and from thence have continued so to do, etc.

The State joined issue on the *first* and *fourth* pleas and demurred specially to the *second* and *third,* on the grounds that each was pleaded in bar to the whole action and yet answered only a part of the matter charged in the declaration; that they did not answer any part of them with cer-

tainty, and that the substance of the matters charged in the declaration were neither confessed and avoided, traversed or denied, by either of the pleas, which were evasive, uncertain and wholly insufficient. The replication to the *fifth* plea, protesting that the matters contained in that plea were wholly insufficient in law, traversed the allegation therein; that the notes of the bank and its deposits were not depreciated in value and lost to the holders and owners during the suspension. To this replication the bank demurred generally.

The cause was argued upon the demurrers before Justice Butler at Charleston, during the May term of 1841, by Mr. Memminger, Mr. Burt and Attorney-General Bailey for the State, and by Mr. Petigru, Mr. Legare and Mr. Walker for the defendant.

Judge Butler in an elaborate opinion delivered his judgment in favor of the defendant, whereupon the Attorney-General, in behalf of the State, appealed from the judgment of the court.

The writ of error in this cause sets forth *eighteen* grounds of exceptions to the judgment of the circuit court. I do not deem it necessary to place these several grounds of exception before the reader, as the argument of Mr. Memminger which follows will enable him to gather the points embraced in each of these. The appellate court consisted then of the several judges of the circuit courts, conformably to the provisions of the act of 1831. The case was referred to the "court for the correction of errors," composed of all the chancellors and law judges. It was argued before that tribunal in Charleston at the sittings in February, 1842, by Mr. Memminger, Mr. Hunt and Attorney-General Bailey for the State and Mr. Petigru and Mr. Walker for the defendant.

No judgment was pronounced by the court, but a re-argument was ordered, which was had in Columbia at the

May term of 1843, when the case was again argued by Mr. Memminger, Mr. Hunt and Attorney-General Bailey for the State, and Mr. Walker and Mr. King for the defendant.

I am enabled to present the argument of Mr. Memminger as it is printed in a volume of reports by special act of the Legislature in 1844. It is as follows:

. . . . . .

Mr. Memminger, on behalf of the State, opened the argument by stating that it became the duty of the counsel for the State, in the first place, to extricate from the pleadings on the record, the questions which are to be decided by the court; and in doing so, they must premise that they have desired to meet these questions fairly; that they have answered the special pleading of the defendants with replications intended, merely, to keep them to the real issue; and that if, as they believe, it will be found that the defendants themselves have become entangled by these pleadings, the counsel for the State design to make no further use of their advantage, than to bring back the court to the question raised by the *scire facias*, and to ask judgment only upon the broad proposition, that by suspending specie payments, the bank has forfeited its charter.

The allegations of the declaration on the *scire facias*, then, must make out, by proper averments, a sufficient cause of forfeiture of the charter. In point of fact, the declaration sets forth what is usually termed a suspension of specie payments by alleging four distinct facts:

1. That the Bank of South Carolina having received a charter as a bank, and having issued a large amount of notes as a circulating medium, payable in gold and silver, and accepted a large amount of deposits payable also in gold and silver, afterwards resolved to suspend the payment of these notes and deposits in gold and silver coin. 2. That the said bank publicly declared this its determination. 3. That it actually refused to pay its notes and deposits in current coin for a long space of time; and, 4, that during such space of time it nevertheless continued to do business under its charter as a bank, making discounts, receiving deposits, issuing notes and declaring dividends among its stockholders.

The declaration then charges a repetition of the same acts, after a temporary resumption of specie payments. And the simple question of law raised by these allegations is whether these acts make out a cause of forfeiture, or in other words, whether such a suspension of a bank, confessedly without actual fraud, is a sufficient ground in law to declare the charter forfeited. In any view of the pleadings which may be taken, coming up as they now do before the court upon a general demurrer,

the sufficiency of the first pleading must necessarily be the first question. This presents the very point which the counsel for the State desire to have adjudged; and if the court shall be of opinion that such suspension is not cause of forfeiture, the other pleadings need not be investigated. But if, as our case undertakes to prove, the court should think that it is cause of forfeiture, it then becomes our duty to proceed further, and show to the court how the remaining pleadings have affected the form in which the question is presented.

The first plea of the defendant is not guilty, and seems to be predicated upon the idea of a general issue. It would not be difficult, perhaps, to show that such a plea is inconsistent with this form of action, and cannot be sustained. But proceeding upon the rule above stated, the counsel for the State conceived that as the plea could do no more than refer the facts averred to the verdict of a jury, and left the question of law precisely where it stood, they should make no objection to the plea, and they have, therefore, joined issue upon it. This plea, therefore, stands for trial by a jury, and is not involved in the present argument.

The second and third pleas each profess to answer the whole declaration; but the second avers only that the bank did not *continually* refuse to pay their *notes* in current coin; and the third avers that they did not *continually* refuse to pay their *deposits* in current coin.

It is a rule of pleading, that where a plea is offered in bar to the whole action, it must answer the whole allegation, except only in those cases where the allegation passed by is wholly immaterial or of matter of aggravation merely. Stephen's Pl. 215–217. 1 Chitty's Pl. 554.[1] Now, the allegations of the declaration are: First, that the defendants resolved to suspend; second, that they published this resolution; third, that they refused to pay both *notes* and *deposits;* and, fourth, that they still continued to do business and divide profits as a bank. The second plea, therefore, which merely avers that they did not refuse to pay their *notes*, denies only a part of the third allegation, and gives no answer whatever to the other allegations; and *vice versa*, the third plea, while denying a refusal to pay *deposits*, says nothing as to the notes or any of the other allegations. The allegations thus left unanswered cannot certainly be considered immaterial, for they constitute the very foundation of the action.

So, too, it is another rule of pleading that whatever is not traversed or avoided is confessed. Stephen, 217. The second plea, therefore,

[1] As there are various editions of Chitty and Stephen, each differing both in matter and arrangement from the other, it will be as well to mention that the editions cited in this argument are of Chitty the 6th American from the 5th London edition, printed in Springfield in 1833; and of Stephen, the 3d American from the 3d London edition, printed in Philadelphia in 1837. The references are to the English or marginal paging.

which traverses only the refusal to pay *notes*, virtually admits the refusal to pay *deposits;* and the third plea, on the other hand, by traversing only the refusal to pay *deposits*, confesses the refusal to pay *notes;* and so it follows that taking both pleas together, all the allegations in the *scire facias* are confessed by the defendants' pleading.

Besides these objections, the word *continually* inserted in the pleas makes them both bad. It is no answer to an allegation that A owes B one hundred pounds, to aver that B does not owe the said one hundred pounds, but the plea must add, "or any part thereof." The allegation is, that the bank suspended during the whole time stated: the answer is, that they did not suspend during the *whole* time; thus making the *time* and not the *suspension*, the matter put in issue. This traverse, therefore, comes within that class of traverses which are said in law to be too large; and they are bad according to all the authorities: 1 Chitty, 647. Stephen, 224. Colborne v. Stockdale, 1 Str. 493. Cro. Eliz. 84. 3 Bos. and Pul. 348.

To have suffered these pleas to remain would have been to entangle the question and divided the issues to the detriment of the State; and the counsel for the State have, therefore, demurred specially to them, and it is conceived that this demurrer has disposed of both of them, and that no further notice need be taken of either.

The fourth plea is substantially a plea of *nul tiel record*, and as it does no more than to bring the charter under the judicial inspection of the court, the purpose of the State is accomplished, by making no objection to the plea.

The fifth plea seems to be that upon which the defendants intend to rely, and it will, therefore, require a more minute examination. It appears to have been conceived in the nature of a special traverse, one of the most subtle and technical forms of pleading. It alleges: 1. That before the suspension of specie payments in Charleston the banks in New York and elsewhere had suspended, and thereby created an extraordinary scarcity of specie, *whereby* the payment of notes and deposits by the defendants *became impossible*. 2. That the two suspensions by the Northern banks, as well as by banks elsewhere, rendered the demand for gold and silver extraordinary and irregular, having no reference to the quantity of specie in circulation or to the credit or solvency of the banks, and that the defendant was solvent, but unable, by reason of this extraordinary demand for coin, to pay in gold and silver without ruinous exactions of its own debtors. 3. That during the suspension the notes issued by the defendants were not greater in amount than was allowed by the charter or than it was ordinarily prudent to issue. And 4, that neither the notes nor deposits were lost or depreciated to the holders or owners of them. The plea then concludes with an *absque hoc* that the said suspensions are in violation of any rules or conditions in the char-

ter, or to the perversion of the ends, objects and purposes of the corporation.

To ascertain the proper mode of replying to the multifarious allegations of this plea it becomes necessary to examine into its nature, and in this inquiry the court will have reason to thank Mr. Stephen for the very clear elucidation which his work on pleading affords of this intricate and perplexed form of pleading. All pleas in bar must be by way of traverse or by way of confession and avoidance. Stephen, 137. To which of these does the fifth plea belong? Its matter would seem to place it among pleas of confession and avoidance, but its form is technically that which is termed a special traverse. The *absque hoc* at the end of it fixes its character and compels us to consider it in that form, in which the defendants have chosen to put it; and the result, to which our examination into it as a special traverse will conduct us, would be substantially the same if it be treated as a plea of confession and avoidance, for in this latter case the matter of avoidance could be replied to in pleading precisely as we have replied to the special traverse.

A special traverse consists of two parts—the inducement and the *absque hoc*, or denial. The inducement is an allegation of new affirmative matter indirectly denying the adverse pleading, but amounting, in fact, to a complete denial. The *absque hoc* is intended to deny in form that which the inducement has substantially but only indirectly denied. See the instances put in Stephen, 165, 168, 172, 174; 1 Chitty's Pl. 655. The formal denial contained in the *absque hoc* is intended to avoid that rule of pleading which would condemn the inducement as a mere argumentative pleading on account of its inferential and indirect character. The design of a traverse is to put the parties at once at issue, for it is a rule that to a special traverse well pleaded there can be no further pleading, either by way of confession and avoidance or by way of traverse, but the adverse party is compelled to join issue. Stephen, 188.

And this renders obvious the reason why the law has laid it down as an essential rule in relation to these traverses that the inducement must be a *complete* denial of the allegation on the other side. Stephen, 189. Is this rule complied with by the fifth plea? Which of the four allegations in the declaration does this plea deny? Is it denied that the bank refused payment of its notes, or deposits, or resolved to suspend specie payments, or published their resolution, or carried on business as a bank while in this state of suspension? These allegations are, in fact, admitted, and it is pleaded in extenuation, or by way of excuse, or justification, that a certain state of things existed which excused the default. This is the precise character of what would be held a plea of justification, and not a traverse at all, and the plea is therefore a direct violation of the distinction which the law makes between traverses and pleas of confession and avoidance. It also conflicts with another positive rule of

law, which declares that the traverse is bad if the inducement be in the nature of confession and avoidance. Stephen, 185.

But let us consider whether the inducement is substantially any answer to the declaration, even if the defendants be allowed to waive the form in which they have chosen to present it. Surely it cannot be gravely contended that because the banks elsewhere suspended specie payments that furnishes a justification for suspensions here. If the plea had averred positively, what it avers *arguendo*, that it became impossible to pay, then an inquiry might have been instituted as to such impossibility by joining issue upon it as a fact.

The second matter of excuse urged by the inducement is that gold and silver became so much *appreciated* in relation to paper that it could not be paid without ruinous exactions upon the debtors of the bank. If this be urged as a legal defense it would change the whole character of courts of justice. How, as a matter of law, is it to be ascertained whether gold and silver had *appreciated*, when they are themselves the only measures of value. In fact, the question as to this appreciation involves the whole political question as to suspensions and will be considered when the main question is discussed. And in what manner would the court proceed to ascertain whether the exactions from the debtors of the bank are *ruinous* or not? Supposing that such an inquiry could lead to anything approximating legal certainty, can it be gravely urged that because the fulfilment of its contracts by the bank would lead to its injury, therefore it is excused from its performance? And yet that is the substance of this portion of the plea.

Take the next fact alleged in this plea, and let us ascertain how far it affords an answer to the declaration. It is said that the bank issued no more notes than it was allowed by its charter to issue, or than it was ordinarily prudent to be issued. If the bank issued no more notes than the charter allowed, then it is unnecessary to plead that fact at all as a defense, because the *scire facias* undertakes to prove that they violated their charter. But if it be intended to offer this allegation as a defense for their refusal to pay their deposits, or for their continuance to make profits and pay dividends while in a state of suspension, it is obvious that it cannot avail as a plea, as it leaves these material charges entirely unanswerable.

The next fact asserted in this plea is that neither the notes nor deposits in bank were lost, or depreciated, to the holders. This assertion alone, of all the others, the counsel for the State deemed of any importance; and but for the admission of its truth, which would be implied by a demurrer, they would have filed a general demurrer to the whole plea. But not being willing to concede so important a fact, which they could readily disprove, they have availed themselves of the departure of the defendants from technical rules, to bring them back to the real issue.

For it is laid down as one of the leading rules in relation to special traverses that the *absque hoc* must be a denial of the *fact* alleged in the opposite pleading. Stephen, 184, 187. And if it be taken upon matter of law, it may be passed by, and a new traverse taken upon the inducement. Stephen, 191, 188. Now the *absque hoc* of this plea traverses no fact at all; it says *absque hoc* that the said suspensions are in violation of any rules, etc., in the charter, or to the perversion of the ends, etc., of the institution. This is a traverse purely of matter of law. It ought, in terms, to have denied the four special allegations of fact in the declaration; but instead of taking that course, it has undertaken to traverse the conclusion which the law would draw from those facts. The result is, that under the rule above cited the State is at liberty to pass by the traverse, and to take issue upon the inducement, or such part of it as is deemed material. This has been done by the replication to the fifth plea, and the defendants have demurred to that replication. If this demurrer be sustained, the court must then pronounce upon the legal efficacy of the plea itself; and, if overruled, as the counsel for the State insist that it must be, then there is added to the allegations in the declaration an admission, on the record, that the notes and deposits of the bank were depreciated or lost in the hands of the holders.

The State has, therefore, by its pleading secured, at all events, the trial of the main question, and what has been gained, in addition thereto, by the failure of the defendants' pleading, the counsel for the State freely waive, conceiving that they will better discharge their duty to the country by fairly trying the main issue, rather than by insisting upon any technical advantage in this particular case. We are, therefore, brought to consider the main question, without being trammelled in any degree by the pleadings.

I proceed, then, to the great question in this case, whether an incorporated bank forfeits its charter by a suspension of specie payments; and, in arguing this question, I propose to establish, consecutively, the following propositions:

1. That to every charter of incorporation there is annexed a tacit condition that such charter becomes forfeited whenever the corporation ceases to perform the trusts for which it was created, or abuses the powers or privileges conferred upon it.

2. That banking corporations, as they exist in this country, embrace three essential elements, constituting the primary objects of their formation: first, discounting bills and making loans; second, receiving and paying out deposits; and, third, issuing notes in the nature of currency.

3. That a suspension of specie payments defeats two of the primary objects or ends for which banks are created, and indirectly perverts the third; that it destroys the character of a bank as an institution for

receiving and paying deposits; removes the only barrier against abuses of currency; imposes upon the community an unsound, depreciated, and inconvertible paper medium, and re-acts upon the discounts of the bank by compelling them to be made in the same depreciated medium.

4. That the primary objects or ends for which banks were chartered being thus defeated, and the franchises and powers granted being thus misused or abused, the condition implied for the protection of the public is broken, and the charter becomes forfeited.

1. But for the strenuous effort made on the other side to establish that a bank charter is no franchise, I should have deemed it unnecessary to do more than state the proposition from which our argument starts, that corporate existence is itself a franchise, and that every charter of incorporation, whether of a banking company or any other association, is the grant of a franchise, and subject to the condition implied in all such grants. We do not mean by a franchise, neither does the law intend by the term, merely that class of franchises which are placed in the text-books in the same category with waifs, wrecks, or even escheats; but we include every grant from the government, through any of its branches, of a privilege which gives to one citizen, or one set of citizens, rights or immunities which vary their position from that of the general mass. Our position is, that government is instituted for the good of the public, and is, therefore, a public trust; that a distinction created between the citizens can only be legitimately made when its object is the public benefit; and that a grant, therefore, which creates such distinction must assume that the grantee is to furnish to the public the consideration in some form. The grant of a charter of incorporation to certain individuals has, usually, the effect of exempting them personally from those actions to which, without such charter, they would have been liable. They cannot be held to bail; their bodies cannot be arrested; nor can their estates be charged in execution. They have a perpetual existence, under their newly created form, and may sue and be sued, without any of the embarrassments to which their unchartered neighbors are exposed. They thus have certain privileges and exemptions which are derived from their charter; and this is precisely what, according to our view of the matter, the law means by a franchise or privilege.

This view of the subject is not only sustained by elementary writers, 2 Bl. Com. 37, 3 Kent's Com. 459, but it has the support of the Supreme Court of the United States in the celebrated case of Dartmouth College v. Woodward, 4 Wheat. 657. In that case a charter of incorporation is expressly declared to be a franchise, and is put upon the footing of a contract executed between the public and the corporators, and protected as a contract by the Constitution of the United States. In this contract the public are one of the parties; and the consideration to be furnished

by the corporation is, therefore, to the public. It is generally some great public advantage which it is proposed to afford; such as the advantages to traveling and intercommunication offered by a railroad or bridge; or to education by a college; or to commerce and currency by a bank. The corporation undertakes to afford to the public these advantages as the consideration for the privilege of being made a corporation, and consequently becomes, as it were, a trustee of this consideration for the use of the public. Hence, in Comyn's Digest, Franchises, G. 3, it is distinctly called a trust; and Lord Holt and Mr. Justice Buller placed corporations upon the same footing in the cases hereafter to be cited.

It follows, from the law in relation to all franchises, that if the corporation abuse this trust, or fail to perform the objects for which it was created, its franchise of being a corporation may be forfeited. The consideration has failed, or the trustee has abused his trust, and so the contract may be rescinded, and the privilege which the public had granted may be resumed.

This proposition has been asserted, in terms, by every elementary writer who treats of the subject; and it has the sanction of every court before which it has been brought in judgment. Com. Dig. Franchises, G. 3. Bac. Abr. Corporations, G. 1 Bl. Com. 485. 2 Kyd on Corp. 474, 512.

In the courts it was established by the great case of the city of London, which, although open to condemnation on other accounts, is good authority on this—the more especially as it was confirmed after the Revolution by the case of Sir James Smith, 8 Cobbett's State Trials, 1343, in note—and in Rex v. Amery, 2 T. R. 515; in Rex v. Pasmore, 3 T. R. 199; and in Colchester v. Seaber, 3 Burr. 1866.

So, too, the authorities in the United States are equally conclusive. In the Supreme Court of the United States, in the case of Terrett v. Taylor, 9 Cranch, 43, it is distinctly laid down that a private corporation created by the Legislature may lose its franchises by a *misuser* or *non-user* of them; and that they may be resumed by the government under a judicial judgment to enforce the forfeiture. This, says Mr. Justice Story, is the common law of the land, and is a tacit condition annexed to the creation of every such corporation. This doctrine is repeated in the same court in the case of Mumma v. The Potomac Company, 8 Peters, 281.

In our own State the same doctrine is announced in White v. City Council, 2 Hill, 576. In New York it has been repeatedly asserted: Slee v. Bloom, 5 Johns. Ch. R 380, 19 Johns. 456; The People v. Bank of Niagara, 6 Cowen, 209; and in two other cases in the same book, pp. 216, 219. In Massachusetts it is affirmed in two cases in 5 Mass. Rep. 230 and 420. In Vermont, in The People v. The Society for Propagating

the Gospel, 1 Paine C. C. Rep. 656. In Maryland in the Canal Company v. Railroad Company, 4 Gill. & Johns. 122. And in Indiana, in the case of the State v. The State Bank, 1 Blackford's Rep. 267.

It is then clear that a charter of incorporation may be forfeited whenever the corporation abuses the trust upon which it was created, or the powers and privileges with which it is invested, or fails to accomplish the ends and purposes for which the public granted the franchise of being a corporation.

The question then which we are discussing becomes changed in form and resolves itself into an inquiry, whether the Bank of South Carolina has thus abused its powers, or failed to fulfil the ends or purposes for which it was created.

2. And this inquiry leads us directly to ascertain in the next place what are the ends or purposes contemplated and intended by the grant of a bank charter.

These may be ascertained in this case with sufficient distinctness from the various clauses of the charter. But it is not at all necessary that the charter should say a word on the subject. Usage and common understanding ascertain these points with a reasonable certainty. Thus in the grant of the charter of a ferry, or bridge, or church, no one would be at a loss to declare what public objects were contemplated; and, with equal certainty, a mere charter for a bank would imply the objects intended by the grant.

In the work of Angel & Ames on Corporations, this principle is confirmed at page 59, 145. And in the same work at page 132, the ends or purposes implied in a bank charter are stated. But in the case of the New York Firemen Insurance Company v. Ely, 2 Cowen, 711, these ends are more authoritatively declared. In that case it is expressly declared that a grant of banking powers implies that the bank is to exercise three functions or powers: 1, to discount notes and bills; 2, to receive deposits; and 3, to issue bank notes in the nature of currency.

Upon examining the charter of this bank it will be found in the various clauses that all three of these powers were distinctly expected by both parties to be exercised by the bank.

They are all of great importance to society, and are absolutely necessary to a commercial community; and the fact that no bank has ever existed in this country without exercising them all, would seem to be conclusive in establishing the intention of the parties, and the usual meaning of a bank. No institution in this country which should merely discount paper should ever be called a bank; neither would such a term be applied to a mere place of deposit. In fact, a deposit bank merely would be an anomalous institution, in which expense must be voluntarily incurred for the benefit of the public without any compensation; a thing unknown in the present circumstances of man-

kind. It is in connection with the power to issue notes in the nature of currency, that the other functions become valuable; and it is this last power which offers the chief inducement to every bank, and without which their charters as banks would never have been asked or accepted.

3. We will be enabled then to advance our argument by considering thirdly, the effect of a suspension of specie payments upon each of these great functions which the bank has undertaken to perform, and by ascertaining whether the trust confided to the bank has been abused or fulfilled in each or any of them.

And first, as to making discounts. A suspension of specie payment is a confession by the bank that specie is more valuable than its notes. Before a suspension specie is exchanged on demand for these notes. After the suspension they refuse to pay specie in exchange for their notes. An individual then who receives a discount from a bank in a state of suspension delivers to the bank his own note, which, by law, is payable in coin, and receives from the bank its notes in exchange, without any diminution for their depreciated state. Throughout the whole course of the suspension the banks paid out their notes upon discounts at precisely the same rates as though they were exchangeable for coin; and the individual who received them had at once to submit to a loss of from three to ten per cent. to convert them into a legal currency. This, according to the decision of the Supreme Court of the United States, was a usurious transaction, and a plain violation of their charters. See Gaither v. Farmers' Bank, 1 Peters, 41. Bank of the United States v. Owens, 2 Peters, 527.

The only measure of value which can be applied to money transactions is coin; and a party making a loan, and paying in depreciated paper, as though it were at par, actually receives, in addition to the legal interest, the difference between coin and the depreciated paper. Discounting in this manner by a suspended bank, therefore, not only violates its charter, but holds out the strongest inducement to the bank to continue such violation of the trust confided to them. If the bank be solvent, and capable of acting otherwise, it is a wilful perversion of the power entrusted to it, to make discounts for the accommodation of the public; and if the bank be insolvent, then it is a fraud upon the public to make discounts, or to continue to do any business, which increases its liabilities, and more especially where dividends are paid to the stockholders. In either case it comes clearly within the rule of forfeiture.

But, further, so completely is this public trust perverted by a suspension of specie payments, that what, under other circumstances, would be a public benefit, is converted into a nuisance. The admitted proximate cause of all suspensions is a redundant paper currency; and the obvious remedy is, to prune this redundancy; to reduce the over issues

to the legitimate standard; to stop new business; and diminish the old. In this state of things, if the bank make a discount, an addition is necessarily made to the already redundant issues; and new poison is thus sent forth into the body politic, through the very organ which was created to give life and health to its action.

Secondly, let us next proceed to consider the effect of a suspension of specie payments upon the objects contemplated in the function of receiving deposits.

By the law of the land, as established in The Bank of Kentucky v. Wister, 2 Peters, 318, every deposit is payable in gold and silver. But the first effect of a suspension, it is plain, must be the depreciation of bank notes below the standard of coin; and the individual, therefore, who is paid by the bank with depreciated notes, for a deposit, which he is entitled to receive in coin, is actually subjected to a loss of the difference in value between the notes and the coin; whilst the bank makes a profit of that difference at his expense.

It is said, that the individual is not bound to submit to the loss, but may, by an appeal to the laws, receive his payment in legal coin. This answer is mere mockery of a most disastrous condition, and, when examined, evinces still more strongly the necessity of public interference. By force of the charters of the banks themselves, and of the privileges which they enjoy, the business of the country becomes concentrated in them. All other currency disappears; and while these institutions exist, all the specie in the country becomes absorbed in their vaults. No one finds it an object to undertake discounts, or receive deposits; and the accumulation of capital, caused by the grant of the bank charters, in the banks themselves, drives every other competitor from the market. They thus become the sole channels, through which the circulation is carried on, and, in virtue of the public confidence, become possessed of all the circulating medium, either as depositaries, or as issuers. In this state of things, to propose to the individual, to leave with the bank his deposit, or to hold their notes until they are sued, is virtually to bid all business cease, and to paralyze every limb in the body politic. The bank has got the advantage, and the individual is compelled to submit to its terms. And this is the very case which calls most loudly for the intervention of public justice. For the State itself has been the innocent cause of the mischief, by creating such institutions, and giving them power to produce such a condition of things; and the State alone is able to cope with them. The individual, for the time, particularly amidst the confused and disastrous trials which accompany a suspension, is bound hand and foot, and must yield to the necessity of the case. Under these circumstances, it is a moral necessity which controls the depositor. The law is too slow to help him, and he is in fact so hemmed in by circumstances, as to be glad to get his deposit upon any terms.

But how stands the case between the bank and the public? Is this a discharge of the trust reposed in the bank? Is this a just exercise of the power confided to it, of providing for the country a proper place of deposit for their money? Is it not, in fact, a perversion of the end of the institution? And consider the effect during a state of suspension. Would any individual venture to deposit coin in a bank, which had published a declaration that it would no longer redeem its obligation in coin? As a place of deposit, then, the bank no longer exists; and the merchant is left suddenly to seek elsewhere, that safe place of deposit for his moneys, which the bank undertook to supply, as a consideration for its charter. If it be said, that the bank continues to receive notes on deposit, the answer is, that this is but a portion of its duty, and furnishes no excuse for the failure as to its other duty.

But even as to receiving notes on deposit, this is a fallacious defense. So long as there is some standard of value every one is able to proceed upon certainty. A note for one hundred dollars means one hundred silver dollars. But when that standard is rejected and a deposit is received by a bank of one hundred dollars in paper, according to what rate shall that deposit be paid out? The notes of the bank itself fluctuate from day to day. So also do the notes of other banks. In fact, they are no longer currency, but have become articles of commerce, and the depositor must now take the hazard of a speculation in which of these articles it may please the bank to return him his deposit. Is this the state of things which the public intended by granting the charter for a bank of deposit? Is this a fulfilment of the end of its institution? Is this a performance of the trust upon which the bank was created? Most assuredly it cannot be so regarded.

I come now, in the third place, to consider the last and most important end for which banks are created by public authority.

The Bank of South Carolina was chartered as far back as the year 1800, while the country was yet fully mindful of all those evils which had been inflicted upon it by a disordered currency. The extreme suffering which had been undergone from continental money, bills of credit and paper medium had opened the eyes of all to the great advantages of a sound currency. It had been found, after all trials, that none could be relied upon unless immediately convertible into gold and silver. The inducement, therefore, which banks held out, of supplying so important a want, drew at once, from the public, corresponding grants of privileges; and in every section of the Union, a bank-note currency, immediately convertible into coin, became the established medium of trade. Such a currency was found more convenient even than coin, and its regulation and management was yielded up to the banks, and became a great public trust in their hands. This view of the subject is taken by Mr. Justice Spencer, in deliver-

ing his opinion in the case of the Utica Insurance Company, 15 Johns. 386, and he expressly calls this power to issue notes a great public trust.

In South Carolina it is placed by the law upon the high ground of a special privilege. By the act of 1814, all corporations are prohibited from issuing notes in the nature of currency, except where such power is given to chartered banks. 8 Sts. at Large, 33, 4. And the result is, that the banks enjoy a right, which is denied to every other corporation; amounting in precise terms, to what we have termed a franchise, or privilege, for the exercise of which the bank is responsible. And so it was adjudged, under the New York banking law, in the case already cited of the Utica Insurance Company.

The nature and value of this bank-note currency may still further be shown by considering the footing which it had acquired in law. In Miller v. Race, 1 Bur. 457, Lord Mansfield declares bank notes to be money as much so as a guinea, and to the same effect is the declaration of Lord Ellenborough in Knight v. Criddle, 9 East, 48; so in New York in Handy v. Dobbin, 12 Johns, R. 220; and the same view of the subject is taken in United States Bank v. Bank of Georgia, 10 Wheat, 346. In the case, too, of Briscoe v. Bank of Kentucky, 11 Peters, 258, so high is the footing upon which Mr. Justice Story in his dissenting opinion puts them, and so near to actual coin, that he considers the banks unconstitutional which exercise the right of issuing them.

Again there is another class of cases which declare that bank notes are a legal tender in payment of debts, unless specially objected to at the time—a privilege which has never been allowed to individual notes. In fact, the whole course of trade had established it as the understanding of all that payments between individuals were always expected to be made in bank notes, and thus has placed them upon the footing of an acknowledged currency.

Such being the rank which bank notes held in the affairs and business of the country, the undertaking to furnish them as a currency, was, manifestly, the grand object at which the public aimed in creating banks. Few persons are aware of the great expense to which the country willingly subjects itself for the attainment of this most desirable end; and as the inquiry is germain to the main argument before us, it is proper to bring this point, although a political subject, to the view of the court. It will enable them to measure the magnitude of the interests involved.

In the issue of bank notes, a bank changes its character from being a lender, to becoming a borrower, of money. Every bank note in the pocket of an individual is, in fact, a loan by him of its amount to the bank, until he passes it to some other person; and then it becomes in the same manner, a loan from him to whom it is passed. The result is, that the whole amount of notes, issued by the banks, is so much borrowed by

them from a part of the public at large, and without interest; and this amount the banks lend to another portion of the public at the rate of six per cent. interest.

These two portions of the public, it will be perceived, stand entirely in different relations to the bank; and inasmuch as the borrowers from the banks are much fewer in number than those who hold their notes, the latter constitute much the largest portion of the community. Those who borrow from the bank, too, it may be fairly assumed, make, from some source of profit, the interest which they pay for the loan, and so receive a compensation. But that larger portion of the community, which hold the notes of the banks as a currency, are losing the interest thereon, without any return, and therefore bear the whole burthen of this currency. The banks themselves reap a profit upon the whole, the sole consideration for which is, the soundness of the currency which they undertake to furnish.

It is this profit which furnishes the inducement to banking. At the time of the suspension, the issues of the banks in Charleston amounted, together, to about $3,700,000, the annual interest of which is $222,000. If to this be added the issues of the country banks, the aggregate is about $6,000,000, bearing an annual interest of $360,000. And thus an amount nearly equal to the whole general taxes of the State is paid by the community to the banks every year, for which no sort of equivalent is received, but the benefits which the State is supposed to derive from them as banking corporations.

Even to this large sum should be added something more for the deposits which stand in each bank; for, in relation to the community, the banks are also debtors for the deposits; and as they pay no interest on them, they stand in the same relation with the issues under another name. The statements furnished upon which these calculations are based do not enable us to ascertain how much of the issues of one bank are included in the deposits in another. I have, therefore, not undertaken to unite this uncertainty with what is certain upon the other calculation. But it is plain that as at the time of the suspension these deposits amounted to three million of dollars, something more should be added; and the total profits which the banks in South Carolina were actually deriving from the community at the time of the suspension must have amounted to at least $400,000.

Surely, then, the State must have set a high value upon this public trust when they were content to pay more for its discharge than for the whole machinery of the State government. The benefit expected in return from the banks consists in maintaining a sound currency, and removing the evils which had been suffered under the system of bills of credit. It is true that by no process could the State free itself from every part of this burthen; for, if the currency were specie alone.

still there must be a loss of interest on the amount of coin in actual circulation. And so in a bank which maintains specie payments, there must be an offset for the coin necessarily kept on hand to meet demands for specie. But a bank in a state of suspension declares that it has no such offset to offer; and the suspension itself releases them from the necessity of holding such unproductive capital.

It would seem demonstrated, then, that the great end and purpose, contemplated by the public in granting a bank charter, is the attainment of a sound, convertible bank-note currency; and that to create and preserve such a currency is the great public trust which the bank has undertaken to furnish as a consideration for the grant. What then is the chief, in fact, the only means of keeping such a currency sound? It is answered on every side, immediate convertibility into coin. This presents the only test of soundness; the only check to over issues; and while it continues to be applied, a bank-note currency so entirely satisfies the public demands that it displaces every other; and all specie of the country becomes either absorbed by the banks, or, if they are tempted to over issues, it is driven from the market of the country.

When the banks, therefore, suspend payment in specie, they voluntarily put aside the only means of preserving the very currency which they undertook to keep sound; and they compel the public, from the necessity of the case, to receive and circulate the currency which they have thus impaired. If they have any coin on hand, and refuse to pay it, they refuse to apply the very remedy needed; for, by paying coin they would at once apply two means of cure: they would thereby withdraw some of the redundant paper, and at the same time supply the demand for coin. Indeed, it is affirmed by very competent judges that the second suspension in Charleston could easily have been prevented by the banks paying out freely from the coin which they then had on hand. The actual demand was so small that it could easily have been met. But the refusal to pay, of itself, created a factitious demand by impairing confidence and deranging anew the whole course of trade.

This is not the place to enlarge upon the evils which a suspension of specie payments inflicts upon the country. The experience of the last six years has written these evils in characters too deep to be easily forgotten; and it is only necessary to ask the questions, whether a suspension of specie payments does not entirely pervert, or destroy, the end which the State contemplated in creating a bank of issues? and whether the failure to preserve a sound currency is not a breach of the trust upon which the bank was created? There can be but one answer to these questions.

The bank, then, by a suspension of specie payments, is shown to have failed in all the essential ends for which it was created. It has perverted

and abused the power to discount; it has failed to perform the trust of furnishing a place of deposit for the moneys of the country; and instead of a sound convertible currency, it has visited the community with all the evils of an irredeemable paper currency. It has, in fact, plunged the country back into the very evils, from which it was intended that the banks should relieve them.

4. The last of the four propositions which I proposed to establish in the argument of the main question in this case, follows, as a necessary consequence of the delinquency, which has thus been made out. The charter of incorporation has become forfeited; the tacit condition is broken; and the State, by the law of the land, may now resume her grant under a judicial judgment upon this *scire facias*.

Objections.—1. But it is objected that the charter in express terms has placed the notes of the bank upon the same footing with those of individuals; and, therefore, that no other remedies can be used against the bank, but those which the law allows against individuals.

This objection rests upon a fallacy which confounds the State remedy with the individual remedy. The clause of the charter which is referred to merely contemplated the liability of the bank to individuals. At the date of this charter the law was settled that a corporation must contract under seal; and when the charter allowed the corporation to contract by bills, under the hands of its officers, it created a new kind of obligation, the character of which it became necessary to define. The clause which created this new species of obligation, is the one now under consideration, and it merely declares, that under such an obligation, the bank should be liable in the same manner as an individual upon a note of hand.

It would be contrary, then, to every rule of sound construction to imply that such an enactment thus made was intended to deprive the State of a great political power; nay, more, to renounce a paramount public duty. The contract between the State and the corporators in the charter, is a totally different contract from any which is formed afterwards between the corporation and strangers. The remedies for their breach are altogether different. The charter does not attempt to prescribe the public remedy. It leaves that to the common law. It did not need to be prescribed, as by the very words of the law the charter is held upon a *tacit*, not an *expressed* condition.

In fact, it would amount to a tyranny intolerable, under our institutions, for the State to create great moneyed corporations, and surrender its governing and controlling power over them. Under the decisions of the Supreme Court, upon the Constitution of the United States, a charter cannot be annulled otherwise than by judicial authority, enforcing this tacit condition of forfeiture. If the General Assembly, then, should, by construction, be held to have surrendered this right,

the individual is left single-handed to cope with a great moneyed power, which must necessarily overwhelm him.

Besides, it may well be doubted whether, by any law, the General Assembly could surrender this right of government and control the legitimate functions of those who might succeed them in office. But, in any event, it is clearly the duty of the State which creates such an institution to hold it accountable and see that it discharges its duty to the public. Such was Mr. Burke's opinion in his speech on the East India bill as to the duty of the British Parliament, and the duty of our General Assembly is rendered stronger by the paramount intangibility secured to charters by the Supreme Court of the United States.

These views furnish an answer to the case from Alabama of The State v. The Tombeckbee Bank, 2 Stewart's Rep. 30, which will be relied on upon the other side so far as it has any bearing on this case; for although the circuit judge has laid much stress upon it, yet upon examination it will be found that for the purposes of an authority a clause of the Constitution of Alabama subjects it to a principle which entirely separates it from the case now before this court, and as an *obiter dictum* it is based entirely upon the three cases in 6 Cowen's Reports, 196, 211. 217, which have already been cited, and which are very erroneously supposed to decide the point.

There is another fallacy pervading this reasoning which confounds together the remedies against individuals and corporations. It consists in overlooking the consequences arising from that rule of the law which declares that corporations can exercise no power but such as is actually granted by the charter. 4 Wheat. 636; 2 Cowen, 711. An individual may issue as many notes as he pleases, without any grant from the State; but a corporation, without such grant, can issue none. The individual, therefore, is under no liability for his exercise of the right; whilst the corporation, on the contrary, is fully responsible. By reversing the picture, the differences are made yet more obvious. As regards the right of the individual to issue notes, the State may restrict or take it away, at any time, by a simple enactment; but when once the right has been granted to a corporation, by a charter, it cannot be divested by any legislation, and no control remains to the State but the exercise of its judicial power on a question of forfeiture.

2. It is further objected, that the bank is authorized by its charter to issue notes to three times the amount of its capital; and, consequently, cannot be subjected to a forfeiture for suspending, if its issues be within that limit. This objection is founded upon a mistaken view of the object of the clause. A bank, alone, of all corporations, has authority to create debts without any definite object. A railroad or a bridge company could only borrow money to be applied to the purposes of their institution; and those purposes would necessarily limit the extent of such

loans. But from the nature of a bank, there is no limitation of this sort; and nothing short of a limitation in the charter would restrain a bank from contracting debts or making issues to any extent, however large. It was indispensably necessary, therefore, to prescribe a limit in the charter; and it accordingly does provide that the total amount of all the debts (not issues alone) should not exceed three times the capital.

By what process of reasoning can it be maintained, however, that within this limitation the bank is released from the obligation to preserve its issues sound? Is it contended that the State designed to remove all the checks which prudence might suggest, and let the bank run wild within this limitation? For it must be admitted, on the other side, that if this clause can bear the construction which is contended for, it would sustain the bank in any course of management within the limitation, however wild and speculative; and thus a measure of security and precaution would be converted into a license for the wildest extravagance. Upon every just principle of construction, the clause must be regarded as analogous to those laws which subject the accounts of certain public officers to a scrutiny, merely, as an additional security to the public. The sureties of such officers have again and again endeavored to excuse their liability, on the ground that the accounts had not been examined as the law provided; but the courts have as uniformly held that a mere precaution, prescribed for the security of the public, should not be construed to affect any other right which the public had. United States v. Kirkpatrick, 9 Wheat. 720.

In the nature of things, one limitation already existed to restrain the over issues of a bank. It was in that paramount law of the Constitution which makes every obligation payable in gold and silver. To this was added, by the charter, the limitation of the amount of indebtedness. The General Assembly may be presumed to have said to the bank: Though you pay coin, as the law requires, you shall not exceed three times your capital; to that amount you may go, but take care that even within this amount you preserve the currency sound. If you fail to do so, you will become a public nuisance, and we must abate you.

In proof that this is the correct view of the subject, stands the fact that the amount of the indebtedness of a bank has nothing to do with the soundness of its currency. For a bank with a very small circulation may be utterly worthless, while on the other hand a bank with a very large issue might, for the whole amount, have in its vaults dollar for dollar. Take the case of a bank with $100,000 of issues and a capital of a million of Mississippi or Ocmulgee stock, or any other unavailable assets; and suppose, on the other side, a bank with a million of issues and a million of dollars in its vaults. The safety of a bank does not depend upon the indebtedness, but upon the relative proportion between its

debts and available assets; and it is the keeping these proportions true which constitutes prudence in their management.

3. Certain cases will be cited from 6 Cowen, 196, 211, and 217, in support of the positions relied on upon the other side. These cases all arose upon certain statutes of New York, and when examined, will be found to stand entirely clear of the propositions involved in the present case. They belong to that class of cases where a special remedy has been provided by the charter, for the particular case; and that remedy, it was held, must be strictly followed.

But they have no relation to the common law remedy, where it stands unimpaired by legislation; and, indeed, the opinion of Mr. Justice Woodworth implies, that but for the protection which the statute afforded, the forfeiture at common law must have ensued. 2 Cowen, 215, 216. In fact, these cases give the only just idea which can be applied to a suspension *per se*, as it has been termed: they treat it as perfect slumber of the bank; an entire suspension of all its functions. So that when it ceases to discharge its duty, it must cease also to make profits, or to do business for its stockholders.

The case of Alberti v. The Bank of the United States, in Philadelphia, of which a report has appeared in the newspapers, is the only case in which a distinct declaration is made, as it certainly was made by the judge, who delivered the opinion of the court in that case, that a suspension is not a cause of forfeiture at the common law. But this opinion was not necessary to the judgment in the case, inasmuch as it went off upon another ground. Still, however, the point was argued, and an opinion expressed; and as far as that goes, it is against the action in this case. But we apprehend, that Pennsylvania is not the region from which this court will introduce new law as to banks, either for the use or the instruction of South Carolina.

The stupendous frauds which have been practiced in that region, and that most disastrous of all bank failures, the failure of the Bank of the United States, have there shaken loose the moorings of public virtue. We may set off with confidence against this case the honest and straightforward judgment and reasoning of the court of Indiana in the case of The State v. The State Bank, in 1 Blackford's Reports, 267, in which alone, of all the cases, a judgment of the court is given directly upon the point of suspension.

The result of all these cases is to leave the court free to take such course as its own judgment may dictate, unfettered by any direct authority upon the point. The issue is fairly joined between the parties, and it remains for the court to determine whether the stern morality of the common law shall form the standard of commercial probity with us, or whether the failure to comply with obligations shall be decked with new names and established as the fashion of the day in this State also.

South Carolina has throughout the late financial crisis stood upon a proud eminence. Her probity and honor have given character to everything upon which her name was stamped, and it is a fact, be it spoken to her honor, that the notes of her State institutions were received as a currency throughout the Union, during the whole of the late disastrous times. It may fairly be assumed, that this confidence was mainly owing to the high tone of public virtue, which her General Assembly exhibited, and to the steady hand with which she at once checked the downward tendency of her banks. But if her courts of justice shall recognize the suspension of specie payments as a right in the banks; if the sternness of judicial integrity shall be perceived to estimate a failure to redeem obligations by another standard: then the whole pitch of public sentiment must be lowered, and the suffering, which has been undergone in the supposed attainment of a great public good, will have been endured in vain. May that God, who holds in his hands the hearts of rulers and judges, guide this court into all truth, and direct it to such judgment in this cause, as shall best promote the ends of public justice and the virtue and happiness of our people.

The arguments of the other counsel in this celebrated case are all reported in the volume referred to. If the scope of this work permitted I would not feel that I was wearying the reader, especially if he be an appreciative lawyer, by inserting them in this Memoir. As a companion for that of Mr. Memminger and a fine specimen of his admirable diction, the writer regards the argument of Mr. Petigru, as reported, among the ablest expressions of legal acquirement he has ever met with, while that of Attorney-General Bailey is exhaustive of the subject, and in its finish worthy of the Bar of which he was so distinguished a member. In closing his argument, which covers one hundred and fifty pages of the volume, Mr. Bailey uses the following language:

The judgment in Mr. Hampden's case destroyed not the rights of the people—but the monarchy it attempted to render absolute; and that in the case of the city of London only produced a revolution and a bill of rights. And so, too, the several efforts made by the Supreme Court of the United States to enlarge the powers of the general government by a subtle and perverse construction of the Constitution have practically but rendered that government weaker; whilst they have almost entirely

destroyed the confidence of the people in the judiciary and filled the land with jealousies, fears and heart-burnings, which have loosened the bonds of the Union itself. If I have any apprehensions as to the results of this case it is only for consequences of the character I have last adverted to. The people of South Carolina will not submit to be governed by banks, and they cannot be compelled to submit whatever else may be the result of any effort to enforce submission. They never will endure arbitrary government of any sort, and least of all that meanest, most odious, and most degrading of all, the domination of an irresponsible monied oligarchy.

Lord Morpeth, afterwards the Earl of Carlisle, was visiting Columbia at the time these arguments were being heard before the Appellate Court. He became deeply interested in them, as he was with the conduct and proceedings of our Legislature. To one who is now a venerable member of the Columbia Bar (Hon. J. D. Pope), he declared the arguments in the bank cases the finest that he had ever listened to. In his forcible style of delivery and directness of method, he compared Mr. Memminger to Sir Robert Peel, the great leader of the English House of Commons.

Justice Richardson delivered the judgment of the court. His review of the case and opinion is justly regarded among the ablest judicial utterances of the Bench, which in South Carolina, for purity of purpose and comprehensive knowledge of the law, had, in these days, no superior in the United States. The opinion is a valuable law treatise in itself—one that not only all accomplished lawyers should be familiar with, but worthy the consideration and careful study of those who properly appreciate the great fundamental principles of political economy, whether lawyer or layman, jurist or man of business affairs.

Concurring opinions were delivered by Chancellors Harper, Dunkin, and Johnston, and Justice Wardlaw. Chancellor Johnson delivered an able dissenting opinion, which was concurred in by Justices O'Neal, Evans, and Butler. The judgment of the circuit court was thereupon *reversed.*

The *scire facias* being sustained by the decision of the Court of Appeals, vacated the charter of the bank, which was renewed by an act of the Legislature passed at the session of 1844.

The effect of these proceedings was to bring the banking system of the State to that normal state of legitimate financial exchanges which preserved the currency of the banks in South Carolina from speculative fluctuations in intrinsic value, and held the notes of the Bank of the State, and all other reputable banks in the State, at par with the gold standard recognized throughout the commercial world. It was in consequence of the proceedings in these cases that a bill of the Bank of South Carolina was accepted everywhere in commercial transactions as the representative of so much gold and commanded a large premium over the bills of the banks in other sections, which were being conducted upon a more speculative plan. Security took the place of mistrust, and actual value that of a mere printed assertion.

It was not until the War of Secession, beginning in 1860, disturbed the system thus inaugurated, and until the march of armies and the chaos of revolution took the place of peaceful occupations, that the currency of South Carolina ceased to represent on the face of the bank bills their full gold value.

Dr. McGuffey, for many years a distinguished Professor of Political Economy at the University of Virginia, in a lecture to his class on the subject of banking, declared this argument of Mr. Memminger to be the soundest and most exhaustive treatise on banking he had ever met with.

I trust that no apology is due the reader for having led him into alcoves that may, to some extent, be barren of that more enticing literature—

"Where sports the warbling muse and fancy soars sublime."

Biography would be but poorly written if it did not present truthfully and without the gloss of rhetorical exaggeration or excuse the character and the thoughts and the acts of the individual.

Following the case of The State versus The Bank of South Carolina came that of The State versus The Bank of Charleston. This case was in some respects similar to that of the Bank of South Carolina—so much so that I deem it unnecessary to refer to the pleadings or to the arguments of counsel. Before dismissing the subject of the bank cases, and as an evidence of the sincere and patriotic motives that influenced Mr. Memminger to attack with such earnestness the State Bank, allow me to call the reader's attention to the proceedings of subsequent legislatures with regard to this matter.

The charter of the Bank of South Carolina was about to expire by limitation, and in anticipation of this Mr. Memminger introduced in the House of Representatives during the session of 1848 the following resolutions:

1st. Resolved, That it is unwise and inexpedient for a State to engage in banking or to subject its resources to the casualties of banking operations.

2d. That the Bank of the State is founded on this erroneous policy and exposes the public treasury and the public faith to the hazards incident to banks.

3d. That it is inexpedient to re-charter the Bank of the State, and that measures ought now to be taken to wind up its concerns during the period of its present charter.

4th. That a special committee of each House be appointed to devise and report at the next session the proper measures for carrying into effect the last resolution.

These resolutions were adopted after a protracted debate, in which Mr. Memminger presented his objections to the State entering upon a banking business in speeches of great power. He was made chairman of the joint committee raised by the resolutions, and as such reported to the House

in the session of 1849 a bill to provide for winding up the affairs of the bank. This bill was under discussion for a length of time during this session, and called out the full force of the friends of the bank, who were ably represented in the discussion, and, as I am informed, by strong and influential agents, who remained at the capitol until the decisive vote was taken. This vote was taken on a motion of Mr. Irby to indefinitely postpone the bill, reports, resolutions and amendments. Those voting to indefinitely postpone the whole subject numbered sixty-two, and those voting in the negative, sixty.

The spirit displayed in the debate, and the methods resorted to by the friends of the bank, greatly incensed Mr. Memminger. On his return to his constituency he published a series of articles in the *Charleston Courier*, over his signature, in which he presented his objections to the recharter of the bank. I do not deem it necessary to publish all of these articles, as the last, which is a recapitulation, will be sufficient to present the matter clearly to the reader. In the opening sentences of his first article he uses the following language:

At the last session of the Legislature the debate on the Bank of the State was suppressed by the friends of the bank before they allowed me the opportunity to reply to them. As the chairman of the committee which reported the bill under consideration, and, moreover, as chairman of the Committee of Ways and Means, I was entitled to be heard in reply. This right was still more manifest because I had been personally assailed by two champions of the bank, and the South Carolina Legislature had never before refused, to the humblest representative, an opportunity to defend himself. This result was brought about by a bare majority of two votes, and when you are informed that the two champions who had assailed me personally voted in the majority, and that one of them actually harangued the House in favor of cutting off the debate, and with it my reply, you will agree with me that pursuit of such adversaries would be superfluous. I have no disposition to tear them from the horns of the altar; but the privilege of the sanctuary is altogether personal, and, while I redeem the pledge which I made at the opening of the debate, to decline all personal controversy, I cannot

permit the friends of the bank to shut me out from laying before you, fellow-citizens, the information and arguments which I had collected in reply.

. . . . . .

Before presenting to the reader the concluding article of Mr. Memminger, which is a review of the whole controversy between himself and Mr. F. H. Elmore, the president of the bank, I deem it proper to call the reader's attention to the answer of Mr. Memminger to the charge made against him as chairman of the Committee of Ways and Means in the House, and against Mr. Jefferson Bennett, a prominent senator, of conspiring together to secure the appointment of a joint committee of which each were to be made chairman, with hostile designs against the bank. The following reply by Mr. Memminger, is taken from the *Charleston Mercury* of March 8, 1850.

To the People of South Carolina:

I had supposed that I was near the land in the sea of charges on which I have been launched by the president of the bank. I had reached the year 1846, and expected to dispose of that period in the present number. But the last number of the president of the bank carries us back to the year 1838, and renews one of his charges of that year in a new form. The charge, as originally made, was, that Mr. Bennett and myself, between whom the most confidential relations subsisted, and who were occupying the most responsible positions on the floor of each House, had taken advantage of that position, and by concerted action had contrived the appointment of a joint committee, of which each was to be chairman, with a hostile design against the Bank of the State.

The whole force of the charge lay in the allegation of concert and conspiracy. This I proved to be utterly without foundation, by exhibiting the original proceedings as certified by the clerks of the Senate and House, which showed that these proceedings originated with others, and that neither of us had anything to do with them.

Having thus refuted the charge made, I should have rested there. But I went on to affirm that I had never made a motion for the appointment of such a committee, and that I was incapable of so gross an indelicacy. The president of the bank having procured information that this assertion was "inaccurate," abandons his original charge of com-

bination and presents a new one, charging me with having separately offered such a resolution, as that which I have censured as a gross indelicacy. In order to give him the full benefit of what can be made of the charge, I quote his own language. Speaking of me, he says: "The journals show that he offered the resolution, and the resolution, in his own hand-writing, is conclusive of the fact. Even in the extremity (he continues) of an utterly desperate case like this, he cannot fly to the miserable and quibbling subterfuge that his appointment was under the Senate resolution, for by offering his two days before, parliamentary usage would cause his appointment as chairman. His only escape was in denying the fact. That he offered such a resolution, and that fact he did deny, but the records settle it conclusively against him. Where will he fly to now?"

Answer.—Truth and integrity never fly. They stand fast together and sustain each other. When I asserted that I had never made the motion, I did so upon the highest proof which could be procured. I did not venture to rely upon memory, but applied to the officers who had the keeping of the journals of both Houses for all the information which they could furnish. Their certificates I have published. I also wrote to the then Speaker of the House (now Judge Wardlaw), and have since received his reply, in which he says: "You had no agency in procuring the appointment which, as Speaker, I made of you, to be chairman of the Committee of Ways and Means, beyond such agency as is involved in the opinion which, from previous acquaintance with you, I had formed of your fitness for the place, etc. Nor had you any more direct agency in your being appointed upon the committee to investigate the bank." I had not intended to publish Judge Wardlaw's letter, but this new matter makes it proper to do so. I therefore subjoin a copy of it.

The concurrence of all these witnesses proves the sincerity with which I affirmed that I made no such motion.

But it seems, however, that we are all mistaken, and that such a motion was made by me. I have not the least recollection of it, but if it be so, I do not hesitate to pass the same censure upon it which I pronounced before I knew I had any connection with it. I consider it an indelicacy which I should certainly not commit now; and I am glad that the lapse of twelve years since it occurred has so far improved my perception as to enable me to condemn and avoid the error into which I fell in 1838.

2. We are next carried back, by the president of the bank, to the history of my bill to reduce the public debt in 1841. As I understood his original charge, it was that he had been excluded a hearing before the committee, lest perchance he might expose the insidious design of the bill. Now we are told that he was absent from Columbia when the bill was before the committee, but that as soon as he returned, upon express-

ing his complaint that he had received no notice of it, he says: "On the next day Mr. Memminger assembled his committee, and I was called before it, when I was informed that I was at liberty to state my views on the bill." After some objection made on his part, he goes on to say: "The chairman said the committee desired, as I was present, to hear my views, that they might affect the course of its members in the House, or they could get the bill re-committed, if my views convinced them the bill ought not to pass. I then gave my views, and exposed the ruinous operation of the measures it proposed."

The president of the bank would have saved us much trouble if he had made this statement at the first, instead of charging, as he did, "that this measure taken up in the Committee of Ways and Means, decided on and reported to the House without calling the president of the bank before the committee, or giving him an opportunity of explaining its effects on the bank. And that this was omitted, although it had been made, ever since 1823, the duty of the president of the bank to attend the session of the Legislature, for the purpose of giving information regarding the bank."

Although upon a critical analysis of the language, it may be made out that the original charge merely affirms that he was not heard by the committee before they reported, while the new statement admits that he was heard after they reported; yet to every reader the idea was conveyed that he had not been heard at all; no one could imagine that the time only was in issue and not the thing. This difference exhibits most strikingly another of those concealed back doors, with which the bank abounds. But even the difference, thin as it is, has been removed by the other admission of the president of the bank, viz.: that the chairman said that the committee would have "the bill recommitted if the views of the president of the bank convinced them that the bill ought not to pass."

What the effect of his views was can only be inferred from the fact, that no one proposed to recommit the bill, although some of the ablest friends of the bank, and two of its then leaders in the House were on the committee.[1]

3. At this point, however, I am met by a renewal of the allegation that the bill was dropped on account of the exposure which it thus underwent, and that as it was not discussed before the House proves that the original design was a surprise upon the House.

Answer: I have no doubt that the public are somewhat surprised with the prominence which the president of the bank has given to a bill of

[1] Much complaint was made of the facility of this committee. The best answers to it is in the character of its members. The following is a list of their names: C. G. Memminger, F. W. Davie, A. H. Belin, S. M. Earle, L. J. Patterson, Albert Rhett, E. G. Palmer, Joel Smith, A. T. Darby, and Henry Gourdin.

which few of the people have ever heard. But he is right. The various facts and statements made by him, and a reference to the journals, have refreshed my memory, and enables me to speak of details, which are now brought to my recollection. This bill, although never passed or even discussed before the House, produced most important results, and saved the State from being absolutely infolded in the coils of this bank, as I shall proceed to show.

By referring to the journals of 1841 it will be seen that a member from Richland, a friend of the bank, introduced a bill to remove the Bank of the State from Charleston to Columbia, and to establish a branch at Charleston; that petitions had come up to establish branches at Aiken and Hamburg. A leading member of the House, a friend of the bank, offered, at the same session, the following resolution:

Whereas, the Bank of the State of South Carolina was established for the benefit of the whole State, and the city of Charleston has had its full share of the benefits of the fire loan, and a surplus of the same remains on hand; and whereas, from the petitions of the towns of Aiken and Hamburg, it is evident that a portion of the funds of the bank might be usefully employed in establishing agencies in those places; be it, therefore,

Resolved, That the balance of the fire-loan bonds remaining unsold in the Bank of the State, be considered, according to the third section of the fire-loan act, a portion of the capital of the Bank of the State of South Carolina, and that the president and directors of the said bank be authorized, whensoever they may deem it expedient, to establish agencies at Aiken and Hamburg, or to increase the capital of its branches at Columbia and Camden.

It must also be borne in mind that at this time the State was in the midst of her contest with the private banks in relation to the suspension of specie payments, and the *scire facias* to vacate their charters was then pending before the courts. The excitement against the private banks was at its height, and the Bank of the State had now the opportunity, which many of its friends desired, of making itself a great central money power, with branches extended over the State, and these various propositions were merely various developments of this scheme. My position at the head of the Committee of Ways and Means was a most difficult one. I had felt it my duty to condemn the suspension of specie payments, and to advise the Legislature to issue legal proceedings against those banks who would not come to terms. On the other hand, I disapproved still more the measures proposed for extending the power of the Bank of the State, and it was obvious that unless prompt and decided measures were taken, the excitement of the hour would fasten upon us a policy from which we could never be disentangled. Public debt was to be its ailment. I, therefore, determined to strike at the root

of the evil, by taking away the borrowed money with which the bank project could alone be effected. The fire-loan bonds, then in the hands of the bank, were the primary object, and I appealed to the just public sentiment which had grown up, by proposing to reduce the public debt.

The result showed that I judged aright. The public opinion responded to my bill—it check-mated all the propositions to increase the power of the bank. But it came in too late in the session to stand any chance of being passed, except it were pressed with the greatest energy. It was, therefore, reported as speedily as possible by the committee, and by a vote of the House, made the special order for Friday, the 10th of December. Friday was occupied in voting upon amendments of the Constitution, which much engaged attention then, and it could not be reached. It fell back into the general orders, and as the Legislature had only a week more to sit, it was impossible to pass it in the form of a bill. I, therefore, put its leading proposition, namely, the rescue of the fire-loan bonds, in the simpler and more speedy form of a resolution. This underwent an angry and boisterous discussion; but even in this simple form, I could not get a vote until the day before the adjournment, and that vote was not direct, but a side-wind to lay the resolution on the table.

One great point, however, was gained—the country was awakened. The discussion had set the matter before the people. Public opinion was enlightened; the bank itself, in two years more, was made to give up what was left of the pay, and the State was rescued from the toils of a great moneyed combination. Rescued? No, not yet. The managers are again collecting all their strength for another struggle, and it remains for the people at the next election to say whether the State shall yet again be free. Certain it is that at present no one can say a word against this bank, even though it be said at the command of the Legislature and in the discharge of public duty, but it is on peril of such persecution as most men would seek to avoid.

4. I have now reached the point at which I had intended to commence this number, but having occupied space enough for one morning in disposing of this episode, I will defer what I had to say for another number.

Respectfully,

C. G. MEMMINGER.

JUDGE WARDLAW'S LETTER.

ABBEVILLE, 25th February, 1850.

My Dear Sir,—I am very loth to connect my name with a public controversy; but as you think that my testimony is important for your defense against unjust imputations, I will give it to you; and, in doing so, will depart from the course of silence concerning my own conduct, which I had resolved upon.

My remembrance of the events of 1838 is not exact, and I have not now access to papers that might refresh it. In answer to your questions I can, however, speak as follows:

1. You had no agency in procuring the appointment which, as Speaker, I made of you to be chairman of the Committee of Ways and Means, beyond such agency as is involved in the opinion from previous acquaintances with you I had formed of your fitness for the place. The particular reasons why, in considering what was best for the public interest, with due regard to the rights of individuals, I determined to put you at the head of this committee, and another gentleman, now deceased, at the head of the Military Committee, it is impossible for me to recollect. I am sure that no feeling of unfriendliness towards that gentleman, or towards the Bank of the State, or any of its officers, had any influence in the matter.

2 and 3. Nor had you any more direct agency in your being appointed upon the committee to investigate the bank. I have no distinct remembrance that after your appointment on this committee you brought to my notice the circumstance that you were a director in another bank, and that my reply was: "That circumstance is rather in favor of than against the appointment." Yet this matter does not strike me as new, and I recall something either of the original occurrence or of subsequent conversations about it. I am satisfied that I knew you were a director of the Planters' and Mechanics' Bank; and I think it not at all unlikely that I made the reply which has been mentioned, for it is consistent with the opinions I entertained. I believed that the bank was, in the main, well managed, and that its interest would be promoted by searching investigation. I felt that any mismanagement ought to be detected and exposed. I believed, too, that the considerations which demanded publicity to be given to the pecuniary transactions of the State were superior to, if in conflict with those which were said to require secrecy with regard to the business of banking, in which the State was engaged, and that the best committee-man for investigation was one who was predisposed to blame rather than commend; but intelligent, temperate, and fair enough to perceive and acknowledge the truth. Your prominence in the House, thorough acquaintance with the financial affairs of the State, proximity to the principal bank, business habits, clear-headedness, and candor, induced my selection of you. The experience in banking accounts and transactions, which, as director of another bank, you might be supposed to have acquired, I thought increased your qualifications. To any suggestions of unfair practices which adverse interest might lead to, my opinion of your integrity would, in your case, have given no heed; but in the case of any known enemy of the bank, according to my opinion, there was but little ground for apprehending harm to come to the bank in the proper course of its operations from his investigations. And the objections on this score seemed to me

no greater against a director than against a stockholder of another bank, or even any person connected with another institution in any of the various ways that might induce a preference of its interests to those of this bank; and no greater against a director of another bank examining this, than against a director of this being transferred to another bank.

4. Concerning the bill to authorize a subscription in behalf of the State to the Southwestern Railroad Bank, I remember no conversation between you and myself, but I recollect the following particulars:

A great effort was necessary, and was made to induce a majority of the House to confirm the subscription which Governor Butler had made. After the assent of the House to the main proposition had been obtained, an attempt was made to add to the clause, which required the bank to pay the instalments of the subscription, a proviso that if the president and directors of the bank should be of opinion that they could not pay without embarrassment to the operations of the bank, or, without involving the faith of the State pledged for redemption of State stocks by the act of 1821, and subsequent acts, then the Comptroller-General should issue stocks to pay the instalments of the subscription. The proviso was rejected in the House, and the bill passed a second reading, I voting for it on the call of the ayes and noes. The bill was returned from the Senate with the proviso in it; and thus altered, it passed a third reading in the House. As the ayes and noes were not then called, and no opportunity had been afforded to me of making known the change which the insertion of the proviso had produced in my disposition towards the bill, after I had announced that the bill was again ordered to the Senate, I said, by leave of the House, that I felt it due to myself, to prevent misconstructions of my opinion, by declaring that, if the ayes and noes had been called on the bill as amended, I would have voted against it.

I had then a decided opinion that it was better for the State to make no subscription—even to let the establishment of the Southwestern Railroad Bank fail—than to borrow money for banking. To the substance of the alternative measure, authorized by the proviso, I was then strongly opposed, and the form, too, seemed to me objectionable. Besides that, a result was attained which had not been contemplated by the especial friends of the bill; the proviso, I thought, exhibited a studied array of pledges that might embarrass the State in future dealings with its funds; and, moreover, erected the president and directors of the bank into a tribunal to decide what the faith of the State required. It was said in debate that the proviso was only a measure of extreme caution, intended to guard against unforeseen contingencies, but I thought that I had seen, in the course of the transaction, evidences that it would be made available if it passed.

With great respect, yours truly,

D. L. WARDLAW.

C. G. Memminger, Esq.

[For The Mercury.]

Messrs. Editors,—In your paper of yesterday Colonel Elmore alludes to a certificate which I had furnished Mr. Memminger, respecting the appointment of the committees of examination for the Bank of the State of South Carolina and its branches in 1838, and my remarks which accompanied the certificate.

It is proper to state that Mr. Memminger applied to me to know how the committees were appointed at the annual session of 1838 and if he had had any agency in the appointment. When he wrote I had only the rough journal of that year before me, without an index, and finding that the appointment was made on a concurrence by the House with a message from the Senate, it did not occur to me to look further, nor had I any recollection that a resolution was also introduced for that purpose. I did not speak from memory, but from that portion of the proceedings then before me, and in that I was correct. It is no doubt true, as Col. Elmore states, that Mr. Memminger before submitted a resolution on the subject, but the action of the House on the message from the Senate superseded the necessity of considering Mr. Memminger's resolution, and the appointment of the committees was certainly not made on that resolution, nor, as far as I know, by the agency of Mr. Memminger. How far the fact that he had submitted such a resolution influenced the Speaker in the appointment of the committees I have no means of knowing.

Very respectfully,

March 6th, 1850. T. W. GLOVER.

The following is the summing up of the whole matter, and presents clearly the reasons why he opposed with such earnestness the re-chartering of the bank.

. . . . . .

To the People of St. Philip's and St. Michael's Parishes:

FELLOW-CITIZENS,—I propose now to sum up the various matters which I have submitted to your consideration.

I have endeavored to satisfy your judgments that the Bank of the State ought not to be re-chartered, for the following reasons:

1. Because it is an institution not consistent with the character of popular governments—inasmuch as it is so complex in its machinery and relations that few can spare the time and attention necessary to understand them.

2. Because it is unconstitutional, and can only be judiciously sustained by the same evasion of the Constitution of the United States by which a protective tariff is sustained.

3. Because its charter violates the spirit of our State Constitution, in the following particulars:

1. In that it confers on a body of thirteen men, sitting in secret, and bound to each other by an oath of secrecy, the power to appropriate, at pleasure, the public money; when, by the Constitution of the State, no such appropriation can be made but by an act of the Legislature, which must first be read three times in the Senate and three times in the House of Representatives, on three successive days, before it can become a law; and, as a further security, the Constitution requires each House to keep a journal of its proceedings and to record the yeas and nays for public information; while the proceedings of the bank are performed secretly and studiously concealed from the public eye.

II. The State Constitution gives to the Legislature alone the power to tax the people, and guards this power with so much jealousy as not even to permit the Senate to originate a tax bill, whereas the bank directors have power at any moment, by a mere order issued in secret, to tax the people to the extent of millions by contracting debts or issuing notes, which the people are bound to pay.

III. Because the State Constitution require the treasurers of the people's treasury to go out of office every four years so that their accounts may be passed upon by successors, whereas the bank officers, who hold ten times as much of the public money, and have in their hands all the treasury of the State, continue in office for a life-time.

IV. Because the State Constitution confines the legislative authority of South Carolina to the General Assembly alone, whereas the board of bank directors, sitting in secret, have undertaken to exercise many of the most responsible functions of the Legislature; such as subscribing to and patronizing railroad companies, banks, and manufacturing corporations, without any public discussion and without its even being known to the public by whom, or for what reasons these acts of the bank legislature have been passed.

4. Because this State has, with an almost unanimous voice, repeatedly condemned the connection of bank and State as unwise and inexpedient, and as involving the public revenues in all the casualties of banking; and because the extension of this system to the borrowing of money upon the public faith, to lend out to individuals by bank accommodation—as has been done for this bank—is fraught with still more disastrous consequences to the public.

5. Because the tendency of such a bank is to mislead and swerve from their duty, not only its own officers, but the public authorities themselves, by the influence it exerts over them; and if the president of the bank be a politician, it gives a master to the State.

6. Because the experience of the Bank of the United States, of the Alabama and other State banks has proved all banking institutions which are connected with governments to be uniformly injurious to the public interests.

7. Because the history of our own bank is fraught with similar lessons. It has, on every occasion in which its interests or wishes are concerned, from the fire loan down to the present time, swerved the State from her true policy, plunged her into debt, and involved her in complicated and embarrassing transactions, with which she would otherwise have had no connection.

8. Because the power exercised by the bank directors to issue bills and other obligations, which the people are pledged to redeem, and the distribution of the money thus raised among the bank directors and their friends, is a partial system of favoritism in which each citizen of the State is virtually converted into an indorser of the notes of a favored few, whether the citizen will or no.

These reasons having clearly established that the bank ought not to be re-chartered, I then proceeded to examine the objections urged by the friends of the bank against any interference with it.

I. First objection: The chief of these was, that the pledge of the funds of the State and of the profits of the bank to the foreign creditor under the fire-loan act, stood in our way.

To this, it was answered, that we did not propose to remove any of the funds of the State from the obligation imposed upon them. They were to be preserved for the foreign creditor until his debt should be paid. Whether the funds were in the hands of a bank, or any other agent, they were equally the funds of the State and equally secured to the foreign creditor his debt.

II. It was answered, that a pledge of the funds of the State did not prevent a change of investment any more than when trust funds are invested for a private trust; otherwise, all the substitutions of railroad stocks in the upper country, which the State had lately made for its South Carolina railroad bonds and stock, were unlawful.

III. It was answered, that as to the bank itself the creditor when he loaned his money, had before him the bank charter, which on its face declared that the charter would expire in 1856; and he had, therefore, no right to count on its existence beyond that time.

IV. It was answered, that so far as the profits were concerned, the creditor would be benefited by discontinuing the bank, inasmuch as the returns of the bank itself showed that during the last ten years the average profit on the capital was less than six per cent. per annum; whereas the money loaned out without any banking risk would bring seven per cent.

Second objection: That this was a bank for the accommodation of planters; and to destroy it would be injurious to the agricultural community. This objection was answered by showing that the officers and directors of the bank itself had among them $1,091,118—which left of the actual capital of the bank only $31,344 for all the rest of the State.

That so far as the borrowed capital was concerned, $727,000 of it was loaned in Charleston under the fire loan; and that of the other money in the bank, thirty individuals had out upwards of $700,000; that in Charleston, Columbia and Camden alone, near two millions were loaned; so that the planters in the State at large would find no greater relative surplus for their accommodation from the borrowed than from the real capital. That in fact the bank was administered for the benefit of the directors and a few favorites, and not for the planters.

The argument having been advanced to this point, and the objections answered, it followed, as a matter of course, that the bank's charter ought not to be renewed; and this brought up the inquiry, When should we commence measures of preparation?

I maintained that it was necessary to begin now—

1. Because in a small community like ours, it would necessarily take many years to call in so large an amount of money as is employed by this bank; and, if we did not begin before the end of the charter, a renewal of it would be forced upon us by necessity.

2. Because the sooner we begin the more time could we take for distributing the payments to be made by the debtors.

3. Because the country is now in so excellent a financial condition that no danger was to be apprehended from commencing the change now.

4. Because the analogies of private business established the wisdom and prudence of changing the mode of conducting any large concern when a period was fixed upon for its termination.

Objection: At this point it was objected that our relations with the general government rendered it unwise to interfere with the bank, or to divide the State into parties.

Reply: To this we replied that, extended as this bank always has been—with its assets beyond its control—in times of panic or difficulty, it never could assist the State. It would be a source of weakness, instead of strength, and would be more likely to need help from the State to sustain itself rather than to afford any to the State; and, so far as any measures of protection for such a crisis were to be taken, the best that could be advised were to call in the assets of the bank, and place them in an available form, instead of leaving them at large, as they now are.

It was further replied, that whatever division existed in the State was the act of the bank and its friends. They had attempted to get a recharter eight years in advance, and when the State authorities had decided against their charter, instead of conforming themselves to that decision, they had set every engine at work, at home and abroad, to counteract the decision of these authorities; and that the whole division, therefore, was of their own instigation.

Having thus established that a change was proper, and that now is the time for commencing it, it remained to inquire, What should this change be?

The plan which we proposed embraced four leading features, set forth in a bill, and the fifth embraced in a resolution; all of which were before the Legislature at the last session.

1. The board of directors was reduced to a president and four directors, with a salary of $1,000 to each director, and no privilege to borrow; agencies were substituted for the branches, and officers and expenses reduced.

2. The chartered powers and privileges of the bank were continued, in all respects, except that no new loans of money were to be made.

3. The business paper and bills of exchange, and the convertible property of the bank were to be applied to meet its engagements, and on all other paper an extension of time, not exceeding ten years, is given to all debtors who would give unexceptionable security to pay an annual interest of seven per cent. on the whole debt, and at least one-tenth of the principal.

4. All surplus collections were to be applied to pay the foreign debt of the State.

5. To these was added a proposition to employ an agent to treat with the foreign creditor and see upon what terms his debt could be transferred home.

These various details were shown to be reasonable and proper, and, in the expectation that the bank would obey the solemn determination of the Legislature, they were supposed to be such as would be acceptable to the bank itself.

But, instead of that, the plan was met with open war, and instead of the assault being made upon its reasonableness or expediency, the campaign was transferred back to the old ground, and the friends of the bank recurred to the question of re-charter and renewed the argument on that score.

I did not think it necessary again to refute their arguments, but merely to take up the new matter which was brought forward since the decision against the re-charter in 1848.

This new matter classed itself under two heads—

1. The facts reported by the investigating committees appointed in 1848, and—

2. An appeal made to the Governor by Messrs. Baring, Brothers & Co., claiming a renewal of the charter as a matter of right.

1. As to the investigating committees, I showed that, so far from their helping the bank, they had proved all the substantial charges made against it.

I. They stated that the money of the bank was most unequally distributed, and that four districts in the State had out two millions of dollars; that the funds had been monopolized by a few individuals, and chiefly by the officers and directors.

II. That not a single bond had been taken by the bank according to the spirit of the charter.

III. That many of the debts have continued for years, without reduction, in the hands of the same individuals.

IV. That the accommodation is partial in its character—some being required to pay and other notes lying over for years.

V. That a large debt due by the Nesbitt Manufacturing Company has stood for many years without one cent of principal or interest paid, and that not even an account of the establishment was required of those in whose hands it was entrusted after the bank had gratuitously purchased it.

VI. That the sum of $485,084 had been lost by bad debts to the bank, which, it otherwise appeared, was chiefly occasioned by the directors themselves.

2. As to the suspended debt, which it was said the committees had reported favorably upon, it was answered that we never denied that much of it would probably be collected; but we affirmed that experience had proved that in such concerns an equal amount would be found amongst the debts now current to go to the suspended debt, and that the whole estimate of loss on this score made by us was not more than six per cent. on the whole assets of the bank—a sum which we conceived would certainly be consumed in expenses and losses.

3. The next particular in which it was contended the committee had exhibited new light was as to the stocks held by the bank. We admitted that they showed that at the present prices the losses which we expected on one set of stocks would be made up by gains on others, but we contended that this afforded one of the strongest reasons why the bank should realize on them at once.

4. It was urged by the friends of the bank that the investigating committees had proved us to be in error in 1848 in charging the bank with resorting to shifts to raise money by issuing bills payable.

In reply, we showed that the transaction reported upon by the investigating committee was a *bona fide* sale by the bank of northern exchange; whereas, those to which we excepted were cases where the bank, to raise specie or stave off demands which they were not prepared to meet, drew bills upon a bank where it had no funds, paying double the usual rates of interest; and that, when these bills became due, they renewed them by again drawing where they had no money, and again submitting to a usurious rate of interest; and that the excuse which was offered by them for the transaction was an admission of their weakness in any time of trial—all which, we insisted, proved the weakness either of the bank or of its debtors, and established the charge made.

The only remaining new matter urged was the appeal to the Governor made by Baring Brothers & Co., claiming a right to have the bank re-chartered.

The appeal was proved to be a contrivance of the bank, whereby they had induced their foreign brokers to father their own suggestions for the purpose of saving their charter. It was made to appear that the Barings never had the least idea of taking the ground now taken until after the bank had urged it upon them, sent them the materials, and even put the very argument in their mouths; that all this took place after the Legislature had expressly directed the bank to make arrangements for an earlier adjustment of these bonds, and after it was solemnly decided by the constituted authorities of the State that a continuance of the bank was injurious to the public welfare.

As to the matter of the appeal, it was shown that there was no foundation for any imputation on the faith of the State.

1. Because it was a mere afterthought to say that the bank had helped the credit of the State in procuring this loan, inasmuch as the bank had suspended specie payments at the time it was contracted, and had stood dishonored for upwards of a year before on the London Exchange; that the loan itself was contrived to help the bank, and, but for the money over which it gave the bank command, could not have resumed specie payments.

2. Because the guaranty endorsed on these bonds by the bank was a perfectly gratuitous act, not required or authorized by the law, and must have been done for some such purpose as that for which it is now used.

3. Because, since the loan, the State has increased the funds pledged as a security to nearly five times the amount originally pledged, and that, besides this, the amount borrowed is itself secured, most of it, on mortgages guaranteed by the city of Charleston.

4. Because the plan submitted proposes to the foreign creditor either to pay off his debt or to do the very thing he himself proposes—substitute an ample equivalent security to that which he has.

5. Because the price which our State stocks maintain, without any guaranty of the bank, show that the holders of those guaranteed by the bank could as easily realize every dollar due on them without the guaranty of the bank as with it, and would suffer no kind of injury from its withdrawal.

6. Because the charter of the bank was before the creditors, and they knew, as well as we do, when it would expire, if they considered it of any value; and that the whole of this clamor about good faith is a mere after-thought, suggested and repeated by the bank itself.

I have thus, fellow-citizens, laid before you the whole subject. You will perceive that although it covers so much ground, it all bears upon a single issue, to-wit: the separation of bank and State; the same issue which was fought with the United States Bank, the pet banks, and the government banks in other States in this Union. The issue is now before the people; and you are to determine whether, in South Carolina,

you will still maintain that the public faith and the public funds shall be separated from the casualties of banking. As your representative, I have been contending for this principle for years, and you have continued to honor me with your approbation. The experience of fourteen years of service in the Legislature has convinced me most thoroughly that the Bank of the State is an institution dangerous and injurious to the public interests. A very large majority of the last Legislature has expressed the same opinion, and but for the powerful influence which this bank exerts, would have embodied that opinion in the form of law

Our agency, fellow-citizens, as your representatives, is now to be accounted for, and you are to determine whether we have been faithful servants. In passing judgment, permit me to warn you that false issues will be offered to mislead you. Some of us will be accused of seeking personal ends, or of having our own interests to subserve. So far as I am concerned, I am content, fellow-citizens, to leave my character in your hands. I have no fears on that score. Others will accuse us of hostility to all banks. Believe them not, fellow-citizens. The simple issue which we make is with a government bank. We say that it is unwise and inexpedient to subject the public moneys and the public faith to the casualties of banking. As for private moneys and individual capital, that may as legitimately be employed in banking as in commerce and manufactures, and it would be as absurd to refuse to charter banks as to refuse to charter manufacturing or insurance companies. All these companies should of course be regulated by law, and with banks in particular measures should be taken to restrain their circulation within proper bounds. But as regards the State itself, I can see no reason why she should not as well undertake to buy and sell cotton, as to buy and sell bills of exchange, or engage in other banking operations.

In conclusion, fellow-citizens, permit me to add that I have delivered my counsel with an honest conviction of its being to the interest of the community to which we all belong. To that community, under Providence, I owe every blessing I enjoy, and in its service I am willing to spend every energy I possess. So long, therefore, as you see fit to entrust me with your public interests, I shall most cordially strive to promote them to my utmost ability. And if at any time I should be so unfortunate as not to gain your approbation for the views which I may entertain, I shall still endeavor to do what I can for your good, in any humbler sphere to which Providence may assign me.

Respectfully, your fellow-citizen,

C. G. MEMMINGER.

I might be content to rest the claim of Mr. Memminger to a high place among the great lawyers of his time upon

the manner in which he conducted the bank case, but there are other lights quite as brilliant to be thrown upon his character, and other causes that brought forth the expressions of his acquirements as a lawyer, the strength of his mind, and his great resources, which I think it proper to consider before I turn to consider Mr. Memminger as a statesman and in the humbler, but by no means none the less interesting relations of a private citizen.

A lawyer in full practice, with such a reputation as Mr. Memminger had acquired, not only in his metropolitan city, but throughout his State, would have many important causes to engage his attention, to call forth the energies of his strong mind, and to bring into practical application the knowledge and the experience he had acquired through years of patient research. It would require more than a single volume were I to report in full all of these cases. From among the great number I have selected but a few which, for the purposes of this Memoir, will be sufficient to illustrate the distinctive characteristics of Mr. Memminger as the advocate and jurist.

About the same time in which he was engaged in the bank case, his services were employed by the older members of the Jewish synagogue in Charleston to represent them in a suit which, because of its novelty and the respectability of the parties litigant, created considerable comment at the time, and was of deep interest at least to the Israelites of Charleston. The members of this synagogue were among the wealthy, and, in some instances, among the influential and respected citizens of the good old city, who, as it will be seen, were divided in their opinions on the construction of the charter which had for a long time united them in their forms of religious worship.

I am indebted to Mr. Levin, one of the oldest and most respected members of this synagogue, for the following statement of the facts in this case:

The synagogue chartered under the title "Kahal Kadosh Bete Elohim" ("Holy Congregation of the House of God") is among the oldest in the United States, having been organized in the year 1750. Its membership was then small, and its place of worship changed from time to time until the year 1781, when its present site was purchased and a handsome structure erected. The building committee awarded the contract to Messrs. Steedman & Horlbeck, and upwards of $20,000 was paid to the contractors. It was dedicated on the 19th day of September, 1794, and Governor Moultrie, with the civil and military officers of the State and city, honored the occasion by their attendance. In the disastrous fire of April, 1838, this synagogue was totally destroyed.

Having realized a sufficient sum from the insurance and individual subscriptions, the board of trustees issued proposals for the erection of the present edifice in the year 1840. The estimate of Mr. David Lopez, for $40,000, was accepted, and his contract was faithfully executed; not only with respect to the materials used, but also for the superior workmanship and good taste displayed by him. When the building was in progress of erection a petition was presented to the board of trustees (July 8, 1840), signed by thirty-eight members of the congregation, praying "that an organ be erected in the synagogue to assist in the vocal part of the service." The petition was regarded as a direct violation of the first article of the constitution, as the form of service was in accordance with the "Minhag Sephardim," or "Portuguese Custom," as practiced in this city, and one of its provisions declares that "to guard against innovations, it shall not be in the power of any president or administration to introduce any alteration in the mode of service except such as may be specified in this constitution."

The board of trustees by a vote of four to one decided that the petition was an innovation upon the established and immemorial usage of the Jews, and a violation of the fundamental law, and it was laid on the table. The petitioners, highly incensed and dissatisfied with the action of the board, demanded that a general meeting of the members should take place, and on the 26th of July, 1840, eighty-seven members answered to the roll-call.

The proposition to allow the introduction was renewed, and after the resolution had been read the presiding officer declared that it was a constitutional question in direct conflict with the first and twelfth articles of the constitution, and would require a vote of three-fourths of the members present to alter or amend.

From this decision an appeal was taken and the decision of the president overruled by a vote of forty yeas and forty-seven nays.

A long, animated and exhaustive discussion then ensued, and the resolution that an organ be erected in the synagogue to assist in the vocal part of the service was adopted by a vote of forty-six yeas to

forty nays. After this action about forty of the most pious and exemplary members withdrew from the congregation and established a separate place of worship.

As soon as this disruption occurred the members of "Bete Elohim" changed the constitution, and several stringent provisions were enacted for the express purpose of excluding the seceders and making radical changes in the creed and service. These innovations were sanctioned by the minister, and a most intense excitement prevailed in the Jewish community, causing divisions in family circles, bitter feuds among relatives, and an estrangement among life-long friends. Many of those who had voted for the introduction of instrumental music now saw that the innovating party were frequently making radical changes in the service, and in order to stop their progress solicited the seceders to return and be restored to their privileges. The application for a renewal of membership was made by letter to the president and board of trustees, four of whom were favorable, but the president (under legal advice) refused to convene the board for this or any other business. In consequence of this illegal action twenty-five additional members withdrew from the corporation, united with the forty original seceders, and erected a place of worship in Wentworth street, between Meeting and Anson streets, the name of the congregation being "Shearit Israel," or "Remnant of Israel."

Many of the corporators who had contributed liberally to the building fund of the synagogue took active steps to conciliate, but these efforts proved fruitless, and the members of "Bete Elohim" having determined to submit the matter to the civil tribunal, the seceding members in the year 1843, retained the services of Messrs. Memminger & Jervey, who represented them in a truthful and eloquent return to the rule for an information of *quo warranto* in the case of The State *ex-relatione* A. Ottoleregui v. G. V. Ancker and others.

It is a source of great pleasure to state that soon after the close of the civil war the excitement was allayed, harmony restored, and a union of the two congregations happily accomplished by the conservative element in both bodies.

In this case Mr. Memminger declined to accept a fee or other compensation for his services. I am informed that he stated to the gentlemen who, as the representatives of their congregation, waited upon him, that he felt it to be his conscientious duty as a believer in their God, to devote himself to their service without compensation. As a testimonial of their esteem, and of their appreciation of his ser-

vice, the congregation presented to Mr. Memminger an elegant service of silver. From the *Charleston Courier* of that date I extract the following description of this handsome gift:

We had the pleasure yesterday of examining a beautiful and munificent present intended by a portion of the Israelites of Charleston, for C. G. Memminger, Esq., their able and gifted counsel in the great Hebrew cause now pending in our courts, in token of their grateful sense of his arduous and valuable professional services in their behalf, he having generously declined a fee for the same. It consists of an elegant and richly chased silver pitcher of the Rebecca pattern, near two feet in height, and a massive silver waiter, eighteen inches in diameter. The pitcher bears in front the following inscription:

FROM THE JEWS OF CHARLESTON, SO. CA.,
Professors of the Ancient Faith of the House of Israel, as received from
THEIR FATHERS
TO
C. G. Memminger, Esq.,
In testimony of his disinterested, zealous and able services in defense of Rights,
Founded upon that Faith,
Before the Judiciary of South Carolina,
ANNO MUNDI, 5604.

[Hebrew inscription, with the following translation:]

"Pray for the peace of Jerusalem:
They shall prosper that love thee."
Psalms cxxii. Verse 6.

The following are the beautiful and appropriate devices:

RIGHT.
View of Jerusalem, with the fruit-bearing Palm.
LEFT.
The Palm of the Desert.
Rebecca at the Well, stooping to draw water.
Abraham's servant, with his camels in the distance.

The pitcher is finished and adorned with an elegant scroll handle, resting on a cherub, and at the foot it is richly chased with the fruits of the Holy Land—the olive, the date, the prickly-pear, and the melon.

The waiter is chased with a rich oak border of leaves and acorns, and is decorated centrally with a beautiful wreath of roses and rose leaves.

This valuable memento, with other personal property, was taken from the residence of Mr. Memminger when it was plundered by the invading soldiers of the Federal army, and, notwithstanding its well-marked and unmistakable evidences of ownership, is still held somewhere at the North as a "trophy," or has been converted into bullion and sold by some remorseless thief.

Another remarkable case which came before the equity courts at this time was that of Pell and Wife versus Elias O. Ball and others. This case was then remarkable not alone because of the melancholy circumstances attending the death of Mr. Ball and his estimable wife, well-known and highly respectable citizens of Charleston, but it was of great interest to the legal profession because of the then novel question of survivorship which their tragic death raised before the courts. There were no very abstruse principles of law involved; but as a case requiring a thorough knowledge of the rules of evidence, none that had occurred in the history of the Charleston bar occasioned at the time more comment or was of more general interest. The case belongs to a highly interesting branch of law, upon which at that time there were but very few positive decisions, particularly in the common law courts; to that class of cases where some right is made to depend on the question, which was the survivor of two or more persons who have perished by the same calamity? The facts of the case, as presented in the testimony, are about these.

The steamer *Pulaski* left Savannah, Georgia, on Wednesday, 13th June, 1838, with many passengers, and arrived at Charleston that evening. The next morning Mr. and Mrs. Ball, with their adopted daughter and servants, having gone on board, the vessel departed for the North and pursued her course until midnight, when, most of the passengers having retired, the boiler on the starboard side exploded. By this explosion an extensive breach was made in the side of the vessel. Her main deck was blown off, thus destroying all communication between the forward and after part of the steamer. The forward part of the upper deck, known as the hurricane deck, was entirely blown off, carrying with it the wheel-house and killing the captain, Dubois, and many passengers. The gentlemen's forward cabin was greatly in-

jured, its floor ripped up and bulk-head driven in. Major Twiggs, a passenger, testified that his berth was there, and that many perished in that part of the vessel by the explosion.

The vessel careened to the larboard and soon began to fill with water. In a very short time the hold was filled and the water gained to the level of the floors of the gentlemen's cabin. Finally the vessel parted amidship (the forward and after part). There were several passengers in the forward part of the vessel, nearly all of whom speedily perished, but the greater portion were in the after part. Of these as many as could do so climbed to the promenade deck, but there were many—mostly ladies, among whom were Mrs. Ball and her adopted daughter—who remained on the main deck. Of Mrs. Ball nothing is known beyond the fact that she was seen on the main deck and recognized by at least one witness who knew her. She is described by this witness, who heard her calling in piteous tones for her husband, and who last saw her there on the main deck just before that portion of the vessel sank. Of Mr. Ball, all that would indicate that he was not killed by the explosion was the discovery of a dress coat in a boat having a collar in the pocket bearing his name.

Mr. Ball was the possessor of a large estate, and had before this calamity made a will, which disposed of the same, making his wife his heir, in the event of his death without issue, and providing several contingent legacies.

The question before the court was to determine the fact as to whether Mrs. Ball survived her husband, even for a moment, or whether she perished before he did, or whether both perished at the same instant of time.

The very large estate, real and personal, would be distributed under the provisions of the will and the rules of the common law accordingly as the question of survivorship should be determined by the court.

In this cause the complainants were represented by Messrs. Petigru, Legare and Seldler, while the respondents were represented by Mr. Memminger, Mr. Dessaussure and Mr. Mazyck.

No pains were spared by the counsel on either side to have the circumstances of the appalling calamity brought clearly before the court. An exact model of the vessel was prepared and every minute circumstance brought to the attention of the chancellor who heard the case. In the review of this testimony, as I am informed by a lawyer who heard the argument, Mr. Memminger brought into play his peculiar characteristic as a lawyer, a direct approach to the subject-matter under consideration, by "brushing away the cobwebs of rhetoric," and reaching by a process of intellectual analysis, rapid and perfect, the main point he desired to establish in the investigation. There could have been no better case in which to deduce conclusions from hypothetical reasoning, none that brought out more fully all the law then established by decisions, or that was to be found in the text-books on circumstantial evidence. The model of the unfortunate steamer, presenting every peculiar feature of construction, was brought before the court. This was so arranged that the wreck after the explosion could be perfectly demonstrated. The location of Mr. Ball and his wife was established by the testimony, and in this every minute circumstance was presented with that clearness and particularity which was always characteristic of Mr. Memminger in his searching scrutiny of the evidence for and against his client. The case was under consideration for several days during which the interest of the public constantly increased. Finally the arguments were closed and Chancellor Johnston delivered his opinion and judgment.

This was an elaborate review of the testimony in the case, the weight of which the chancellor determined was in support of the theory that Mrs. Ball survived her husband and

did not perish until after he had ceased to exist. The following is the concluding portion of his judgment:

I have from all these considerations formed the opinion that Mrs. Ball survived her husband. The legacies must be disposed of as provided for in the contingency which has happened, of the death of the testator without leaving issue. Such as have lapsed must be distributed.

In closing this judgment, continues the chancellor, I cannot sufficiently testify my respect for the honorable disposition manifested by all parties. An appeal to the law was made only because the minority of some of the parties at interest rendered a compromise difficult if not impossible. It is not a case for costs. Let the costs be paid out of the estate before distribution and deducted from the amounts coming to the parties ratably.

The case was appealed by the complainants and before the Appellate Court again argued by Mr. Memminger for the heirs of Mrs. Ball and Mr. Petigru *contra.*

The unanimous judgment of the Appellate Court sustained the judgment of the chancellor in the court below.

In other forms this case came before the Courts of Equity at several subsequent sittings, but only with the view of determining the equitable rights of the several parties who were claimants under the provisions of the will of Mr. Ball. These several cases will be found fully reported in the Equity Reports of Cheves, Spear and 1st Richardson.

There is no case in which Mr. Memminger appeared as counsel among the many reported in the South Carolina decisions, in which his remarkable facility for stating concisely and with the utmost clearness the propositions involved, is more conspicuously set forth than in the case of The State *ex-relatione* Shiver and others versus the Comptroller-General, reported at length in the fourth volume of Richardson's Reports, 1872.

This was a petition praying for a writ of *mandamus* commanding the Comptroller-General to give notice to the auditors of each county in South Carolina of the rate per centum of three mills on the dollar on the assessed value

of all of the taxable property in the State for the redemption of certain treasury certificates, known as the "Blue Ridge Railroad Revenue Bond Script."

Under the provision of an act of the Legislature passed when the negro and "Carpet-bag" government was dominating the State, the Comptroller was authorized to issue one million eight hundred thousand dollars of Treasury certificates to be exchanged for the bonds of the Blue Ridge Railroad Company, held by the financial agent of the State in New York, as collateral security for advances made to the said railroad company. In this cause Mr. Memminger, with Mr. J. D. Pope, Mr. Haskell and Attorney-General Melton, represented the State. The argument of Mr. Memminger, as embraced in the report of the case, is a perfect illustration of all that has been heretofore presented with respect to his peculiar characteristics as a lawyer. I would abstract fully from these and present his clear statement of the law in the case, but do not deem it necessary to dwell longer on this interesting branch of my most interesting subject.

As an advocate Mr. Memminger never attempted the art and mannerism of an orator of the schools. While he was often eloquent, his eloquence was the expression of strong thought, logically conveyed, convincing the mind and demolishing all opposition by the earnest manner in which it was delivered. His diction was always that of unexceptionably good English, but at no time did he revel in the fancies of a mere rhetorician. He dealt in no epigrammatic alliterations, no hyperboles, no tropes or dazzling figures with which to enrapture the sentimental and to obscure his reasoning. He has been thought by some to have been devoid of sentiment, but only by those whose temperaments and mental structure made them more poetic than philosophic. While the drill of his faculties, and

indeed his intellectual endowments, caused Mr. Memminger to take a practical view of life, yet there was a profound sentiment pervading his nature. If this did not find expression in ditties of love and in songs of praise; if it did not come in the form of measured verse or in the well-rounded periods of the rostrum, it nevertheless was moving in his soul, responsive to every touch that reached the chords of a well-strung harp, whose sweet music brought joy to many a weary pilgrim in life's desert way. His sentiment never took the form of gushing enthusiasm, or was it ever found on a spasmodic parade, but it moved quietly as a great undercurrent in his serene and appreciative nature. His mind was eminently logical. In his orations, or addresses, he always sought to convince his hearers by argument and not to lead them by appeals to their emotions. Those who knew him well, and were long associated with him at the Bar and in the legislative councils of the State, testify that he possessed to a remarkable degree the power of stating his propositions with such clearness, and presenting them with such an earnest manner, that he brought conviction of their truth even before they were supported by an argument.

It was this peculiar characteristic that made him so effective before a jury. From his contemporaries I learn that his statement of a case to the jury was always so lucid, so direct and so earnest that there was but little left to be done after it had been made but to support it with evidence. Mr. Memminger had no ideal in oratory. He had studied at no particular school the arts or the formulas of a master. Hence in his delivery and in his discourse there was nothing that appeared as a borrowed garb either in his thought or action. As in his composition, so in his elocution there was the constant reflex of the personality of the man, finding expression in simple and therefore forcible terms, and under no circumstances disguised in the toggery of a "green-room," or by the strut of a stage performance.

In his discourses Mr. Memminger never carried his hearers on an excursion through the air. You might rest secure upon the earth, for he was no intellectual æronaut, and never ventured to risk his own or the comfort of his audience by a voyage among the clouds. He sought to convince their minds; and would build before them a pyramid of reasoning whose finished apex was the conclusive induction of his own lucid mind, warmed into an intense glow by the fervor of his earnest spirit.

Hence it was that Mr. Memminger was so painstaking and careful in laying the foundation of his arguments. His premises were established in the most adroit and skillful manner, bringing with them fact after fact, with no redundant terms or superfluous drapery to arrest the attention of his audience or to weaken the force of their array. He marshaled these as a skillful general would his advanced line of battle, holding as a strong reserve, to be thrown at any weak point, a well-prepared, concise and clear statement of the propositions he desired to sustain. His argument was the energetic advance of his columns in a phalanx of reasoning compact as the legions of Cæsar. In support of this argument he brought forward authorities and cited precedents selected with great care from his large park of legal artillery.

Thus prepared, either for attack or defense, he was invincible before a jury, and was seldom reversed by the courts of last resort.

He was an excellent counsellor. To use the language of the Hon. Joseph D. Pope, a most competent judge:

> Mr. Memminger was one of the best of our lawyers in consultation in a law case of any intricacy, in determining what should be put forward and what should be kept back, and hence he was a superb examiner of witnesses.
>
> In a case of purely a business character involving the details of commercial transactions, Mr. Memminger was superior to Mr. Petigru or of any lawyer I have ever known. He was not an orator in the Cicero-

nian sense, and yet he was possessed with the power of convincing his hearers to a marvelous extent. Chancellor Johnston once said that when Mr. Memminger had finished the statement of his case there was little need for an argument. It was this peculiar gift that enabled Mr. Memminger to have such power everywhere; in the Cabinet or in the Legislature, before a board of railroad directors, at a bank meeting, or at a meeting of citizens to consider any public enterprise; in the councils of the church or of the bar, he was always a controlling spirit and an irresistible power.

Mr. Petigru's superiority consisted in the manner in which he would discuss the philosophic principles on which the law rested and the eloquence with which he would present these views, particularly if he had any personal feeling in the matter or his sympathies had been appealed to. Mr. Petigru was a great humorist and a remarkable wit. His argument would be at times bristling with glittering shafts of satire, or sparkling with the most pungent witicisms. On the contrary, Mr. Memminger would in the statement of his cases and in the marvelous skill of his analysis, build up his logical arguments so strongly that not even the chaste diction and eloquence of Mr. Petigru or the sparkle of his wit could overcome the impression he had made. If Mr. Memminger had been an English barrister he would have been a great leader in Parliament. The soundness of his judgment and great practical sense, which seems always to have governed the English Parliament, would have given him great prominence there. He would never have governed the House of Commons as did Lord Chatham, but he would have led it like Sir Robert Peel, whom he greatly resembled in many respects.

CHAPTER V.

The Secession Movement of 1852.

THE partial estrangement between the people of South Carolina and the Federal government, which had been brought about by the tariff measures and Nullification proceedings of 1832, had not been entirely removed before the formation of abolition societies at the North, and the sympathy expressed for them in Congress, produced a new cause of ill-will between the Northern and Southern sections and a new danger to the stability of the Union.

The acquisition of the immense territory west of the Mississippi river and its rapid settlement at once brought about the agitation of the slavery question, with all the fanatical zeal of the abolitionists and the determined opposition of the people of the slave-holding States. The measures adopted and the means employed by the abolition societies of the North, especially those of the New England States, had provoked in the appeals they made to the slaves and in the denunciations of their masters, the people of the Southern States, and had called forth the most earnest protests from their legislatures and public assemblies.

While this had been going on for some time and was constantly irritating the minds of the Southern people, it was not until the aggressive spirit of the over-zealous philanthropists of the North and their fanatical coadjutors attempted by legislation to restrict the rights of the slave-owner in the use of his property, and to limit the area in which slavery should be permitted to have even a legalized existence, that resistance to their procedures and demands came from the Southern States.

Unless one becomes familiar with the peculiar energy of the Puritan spirit, and has a knowledge of the impudence and self-conceit of these most aggressive people, it will be difficult to conceive the inspiration that has moved them to assume the guardianship of American morals, or to comprehend the length to which their zealots have gone in asserting the whims of their social leaders. An illustration of this is to be found in the case of one Samuel Hoar, of Massachusetts, who came to South Carolina as the agent of his State in 1844, and formally presented the object of his mission in a letter addressed to the Governor, in which he stated that he had been commissioned by the State of Massachusetts to test by legal proceedings the constitutionality of the act of the Legislature of South Carolina, passed in 1835, which prohibited the landing of negro seamen or "persons of color" employed as sailors at any of the ports of the State.

The letter and mission of Mr. Hoar was referred to the Legislature of South Carolina, then in session, by the Governor, while Mr. Hoar remained at one of the hotels in Columbia, shielded by the presence of his daughter, whose sex would command the respect of the people who despised the spirit that had prompted the mission of the father.

The report of the Committee on Federal Relations of the House of Representatives, who had considered the letter of Mr. Hoar, was made on the 5th of December, and at once provoked a discussion which was remarkable in that the recommendations of the committee were opposed by only one member of the House, who, with all the earnestness of his nature and the dispassionate logic of his sound reasoning, advocated the policy of allowing the case to be made in the courts. This single member of the House of Representatives was Mr. Memminger. He maintained, with great force of reasoning, that when the argument was properly submitted to the Supreme Court the right of South Carolina

to adopt such police regulations as were, in the judgment of her legislators, necessary to maintain the peace, and to secure the rights of her citizens in property, recognized as such by the Constitution of the United States, would be sustained by this highest court of adjudicature, and that in this manner the question of the citizenship of free negroes would be set at rest. He held that the act of 1835 was constitutional, and that South Carolina had nothing to fear in meeting the challenge sent to her by Massachusetts to join an issue on the question before the Supreme Court. I regret that I have not succeeded in finding a full report of the argument of Mr. Memminger as made before the House of Representatives in opposition to the report of the committee. Gentlemen who heard it assure me that it was among the ablest delivered by Mr. Memminger during his career as a legislator, and called forth expressions of commendation even from those who disagreed with him.

The following extract from the Journal of the House of Representatives gives in full the report of the committee and of the action taken by that body. Single and alone Mr. Memminger appears upon the record, the only vote in opposition to the resolutions as reported by the committee. There is not such another record in the history of the legislation of South Carolina. It expresses more of moral heroism, the sterling character, and firm adherence to the honest conviction of a sincere man than his biographer could present in terms of the English language:

The Committee on Federal Relations, to whom was referred the communication of his Excellency the Governor, transmitting a letter addressed to him by Samuel Hoar, an agent of the State of Massachusetts for certain purposes, submit the following report:

By an act passed on the 19th day of December, 1835, the General Assembly endeavored to guard against the introduction of free negroes and persons of color into this State, upon principles of public policy affecting her safety and her most vital interests. The right of excluding from their territories conspirators against the public peace, and disaf-

fected persons whose presence may be dangerous to their safety, is essential to every government. It is everywhere exercised by independent States, and there is nothing in the Constitution of the United States which forbids to South Carolina the right, or relieves this Legislature from the duty, of providing for the public safety.

Massachusetts has seen fit to contest this right, and has sent an agent to reside in the midst of us, whose avowed object is to defeat a police regulation essential to our peace. This agent comes here, not as a citizen of the United States, but as the emissary of a foreign government hostile to our domestic institutions, and with the sole purpose of subverting our internal police. We should be insensible to every dictate of prudence if we consented to the residence of such a missionary, or shut our eyes to the consequences of his interference with our domestic concerns.

The Union of these States was formed for the purpose, among other things, of ensuring domestic tranquility and providing for the common defense; and in consideration thereof, this State yielded the right to keep troops or ships of war in time of peace without the consent of Congress; but while thus consenting to be disarmed, she has, in no part of the constitutional compact, surrendered her right of internal government and police; and, on the contrary thereof, has expressly reserved all powers not delegated to the United States, nor prohibited by it to the States.

The State of Massachusetts denominates as citizens those persons for whose protection her tender solicitude has devised this extraordinary mission. Yet if it were admitted that they are citizens of that State, your committee cannot suppose that she will challenge for them greater rights, immunities and privileges within our territories than are enjoyed by persons of the same class in South Carolina. But your committee deny that they are citizens within the meaning of the Constitution; nor did Massachusetts herself treat as citizens persons of this class residing within her limits, either at the adoption of the Constitution or since; but, on the contrary, they were subjected to various disabilities, from which her other inhabitants were exempt.

Your committee cannot but regard this extraordinary movement as part of a deliberate and concerted scheme to subvert the domestic institutions of the Southern States, in plain violation of the terms of the national compact, and of the good faith which ought to subsist between the parties thereto, and to which they stand solemnly pledged.

Your committee recommend the adoption of the following resolutions:

Resolved, That the right to exclude from their territories seditious persons, or others whose presence may be dangerous to their peace, is essential to every independent State.

Resolved, That free negroes and persons of color are not citizens of the United States within the meaning of the Constitution, which confers upon the citizens of one State the privileges and immunities of citizens in the several States.

Resolved, That the emissary sent by the State of Massachusetts to the State of South Carolina, with the avowed purpose of interfering with her institutions and disturbing her peace, is to be regarded in the character he has assumed, and to be treated accordingly.

Resolved, That his Excellency the Governor be requested to expel from our territory the said agent, after due notice to depart; and that the Legislature will sustain the Executive authority in any measures it may adopt for the purpose aforesaid.

The question was then put, Will the House agree to the report? and it passed in the affirmative—Yeas, 117; nays, 1.

The yeas and nays were requested, and are as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE ARE: Hon. William F. Colcock (Speaker) and Messrs. J. A. Alston, W. J. Alston, Barnes, Bauskett, Beckham, Bedon, Bethea, Joseph A. Black, Wm. C. Black, Blakeney, Brooks, Brown, Broyles, Bull, Burrows, Calhoun, Cannon, Carew, Carn, Chandler, Chesnut, Cooper, Crawford, Dessaussure, Dickinson, J. G. W. Duncan, P. E. Duncan, Ellerbe, English, Ervin, Fair, Fraser, Gowin, Gary, Geddes, Geiger, Gibbes, Giles, Griffin, Grimball, Haigler, Hardee, Hardin, Edwd. Harleston, John Harleston, Harlee, Herbert, Henry, Herndon, Heyward, Holland, Hough, Huger, Hunt, Irby, Jamison, Johnson, J. H. King, H. S. King, Lartigue, Littlejohn, Lucas, McCarthy, McCully, McMichael, McMullan, Manning, Maxwell, Mayes, Means, Middleton, Miller, Mills, Moody, Mordecai, Noble, Northrop, O'Hanlon, Orr, E. G. Palmer, P. P. Palmer, Perrin, Phillips, Pinckney, Pope, Porter, Poyas, Pressly, Read, Rodgers, Sebring, Seymour, Shingler, W. Gilm. Simms, Simons, E. P. Smith, Henry Smith, Joel Smith, Snowden, Strobhart, Stuart, Torre, Traylor, Jas. M. Walker, Tandy Walker, Wallace, Ware, Watson, Whaley, Chas. Williams, G. W. Williams, Wilson, Wingard, Yates, and Zimmerman.

IN THE NEGATIVE: Mr. Memminger.

The report was then ordered to be sent to the Senate for concurrence.

In 1846, pending the discussion in Congress with regard to the negotiation of peace with Mexico, David Wilmot, a Democratic member from Pennsylvania, brought forward his celebrated proviso, that "as an express and fundamental condition to the acquisition of any territory from the republic of Mexico by the United States, by virtue of any

treaty to be negotiated between them, neither slavery nor involuntary servitude shall ever exist except for crime, whereof the party shall be first duly convicted." The "proviso" was defeated by a small majority in the United States Senate. Yet on the termination of the Mexican war the practical question involved in the Wilmot proviso, whether the introduction of slavery should be allowed or prohibited in the territories acquired from Mexico, became of prominent interest.

The attention of the people of South Carolina was drawn to these matters year after year in the messages of the Governors of the State to the General Assembly, and as often a report from the Committee on Federal Relations would bring a protest in the form of resolutions against these procedures as being in flagrant violation of the provisions of the Federal Constitution and insulting to the dignity of the State. The same feeling of indignation pervaded each of the slave-holding States and manifested itself in varied forms of public expression. In Mississippi where the zeal of the abolitionists had introduced emissaries who induced the negroes to leave their masters and seek an asylum in the free States, public meetings were held, and finally a convention of the people assembled in 1848 to consider what measures to adopt in order to protect their property and secure the rights of the slave States. This convention issued an address to the people of the several Southern States and invited them to send delegates to a convention to be convened at Nashville "to consult in common upon common rights with the view to unity of action." Accordingly a convention of delegates from a few of the States did assemble at Nashville in the autumn of 1849, and issued an address to the people of the several slave-holding States, calling upon them to meet through delegates in a congress with the view of adopting such measures as would arrest further aggressions,

and if possible restore the constitutional rights of the South, and to recommend some provision for their future safety and independence.

The people of California had framed a constitution prohibiting slavery which was presented to Congress early in the session of 1850, with a petition praying the admission of that territory as a State. This petition at once provoked an exciting debate in both Houses of Congress. The Southern or slave-holding section demanded the rejection of California and an amendment to the Constitution that should equalize the political power of the free and slave States. The question became still more complicated by a claim brought forward by Texas to a boundary line that would include a large part of the territory of New Mexico, and also by the application of New Mexico for admission into the Union as a State. After a stormy debate a compromise was proposed by Mr. Clay in the Senate, which, after a long discussion, was finally adopted. Under the provisions of this compromise California was admitted as a free State, territorial governments were framed for New Mexico and Utah *without excluding slavery*, but leaving its exclusion or admission to a popular vote of those residing in these territories. The boundary line of Texas was established, and the slave trade prohibited in the District of Columbia. A stringent law was also enacted for the arrest and return of fugitive slaves. This compromise was by no means satisfactory to the people of the South, nor was it quietly acquiesced in by their representatives in Congress. Ten of the senators from the Southern States, including Senators Mason and Hunter, of Virginia, Soulé, of Louisiana, and Jefferson Davis, of Mississippi, published a protest against the admission of California after the vote was taken. The "Free-Soil" or abolition party at the North, appeared to be equally dissatisfied. In convention they denounced the concessions to Texas and

the refusal to prohibit slavery in New Mexico and Utah, and declared the fugitive slave law "*unconstitutional, immoral and cruel.*" The excitement which these proceedings in Congress provoked in Washington city spread throughout the country. The manifest intention of the Free-Soil party to inaugurate a crusade against slavery, and the animus evidenced by their representatives in Congress, had caused the Legislature of South Carolina, at the session of 1849, to request the Governor to convene the Legislature, if not in session, in the event that any measure should be passed by Congress containing the provisions of the Wilmot proviso.

Such was the condition of the public mind when the General Assembly of South Carolina convened on the 25th of November, 1850. At the opening of this session Governor Seabrook, in his message calling attention to these matters, uses the following language:

At my recommendation, and in pursuance of your own conceptions of duty, it was resolved, at your last session, that the Governor be requested to convene the Legislature, if not in session, should the Wilmot proviso or any kindred measure be passed by Congress. As the contingency to which the resolution had reference occurred in September, a profound respect for the Executive Department of the Government, and the honorable body by whose mandate I was called to fill it, induce me to say in general terms that public considerations of a grave and weighty character forbade me from acceding to the wish of the Legislature. Independent of the semi-official reasons for this refusal, which have been communicated to our fellow-citizens, there were others that, could they have been made generally known, would in my judgment have entirely appeased the public feeling. I am gratified in being enabled to assure you that the correctness of my decision has been almost unanimously sustained by the people.

The last meeting of the Congress of the United States was the most eventful and disturbing that has been held since the establishment of the Federal government. After many years of unwarrantable legislation by that body, a crisis has at length arisen in our federal relation affecting deeply and essentially the rights and interests of one-half the Union. Whether the endangered States should longer hold an equality of rank with their co-partners, and their citizens be prohibited from

enjoying all the advantages and privileges constitutionally guaranteed to both, were virtually the momentous, and to us humiliating, issues which the legislative branch of the central authority was engaged in considering for about nine of the ten months in which it was in session. The "compromise," ultimately adopted, I consider another triumph over the South by the fell spirit of abolitionism. . . . .

Although the mind of our community has not been prepared by public discussion, or perhaps private interchange of views on the subject, yet it is my deliberate opinion that the period has arrived for the removal from the State of every free colored person who is not the owner of real estate or slave property. This population is not only a non-productive class, but it is, and always has been, essentially corrupt and corrupting. Their longer residence among us, if the warfare between the North and South is to continue, will eventually generate evils very difficult of eradication. Possessing in an unlimited degree the right of locomotion, they can, in person, bear intelligence in a day from one section of the State to another, or through the post-office mature their own plans of villainy, as well as execute orders emanating from foreign sources. There is, indeed, too much reason to believe that at this moment they are made to occupy the situation of spies in our camp and to disseminate through the entire body of our slave population the poison of insubordination prepared in the great laboratory of Northern fanaticism.

The aggressive course of our Federal rulers, and the States and people of the North, had at an earlier period assumed so alarming an aspect that by invitation of Mississippi to the slave-holding States nine of their number assembled at Nashville in May last for consultation concerning the means of saving the Union by preserving inviolate the principles and guaranties of the Constitution. Over the deliberations of that august council, composed largely of the talent and patriotism of the land, the spirit of harmony presided. In demanding the protection of rights, jeopardized by the unfraternal acts of their own countrymen, they appealed to their sense of justice and the endearments of family association, the plain terms of the bond that united them, the ennobling and proud recollections of the past, and the glorious anticipations of the future. The result has shown that the authorities and people whom they addressed are, in feeling and sentiment, alien to us their political allies, and that the North have resolved on possessing the unlimited and permanent control of our civil institutions.

To operate on the fears of the minority section, and expose the supposed hopelessness of its condition, the President had voluntarily promulgated, in advance, his fixed determination to settle by the sword a disputed question between the general government and a sovereign member of the Union. In following the inglorious precedent established by one of his predecessors, the principle was maintained that State re-

sistance to a congressional edict would by him be classed among the unreflecting acts of a mob, or the more deliberate opposition of a band of organized individuals to admitted lawful authority.

It is foreign to my purpose to speak elaborately of matters that have of late been so painfully brought to your notice. California *created* a State by Congress, was admitted into the confederacy against all precedent, and in violation of the laws and Constitution of the country. It was a premeditated insult and injury to the slave-holding States, and a wanton assault upon their honor. In the act abolishing the slave trade in the District of Columbia, the right of punishing the owner by manumitting his slaves is prominent among its provisions. By this bold and successful attempt to engraft abolitionism on the principles of our political system, a power has been assumed, which, by expansion, may yet clothe the entire federal community in the habiliments of mourning. These and other willful perversions of a high trust have virtually abrogated the powers necessary to the safety of the sovereignty of the States. The whole authority of the Federal government, granted and usurped, which is now concentrated in the will of an absolute and interested majority, is hereafter to be wielded for the exclusive benefit of the Northern or stronger interests. To its ambition and cupidity fifteen members of the Constitutional compact, by whose wealth the government is supported and our confederates enriched, are to be compelled ignominiously to minister. In a word, the Congress of the United States is no longer to be the executor of the will of co-sovereign States, but of a party banded together by the two-fold incentive of sectional aggrandizement and public plunder. If the fundamental objects of our federative system have been designedly perverted, there is no remedy in the ordinary checks on power. The ballot-box is ineffectual, and the press powerless in its appeals to an oppressor deaf to entreaty, to argument and the admonitions of humanity and patriotism. In Federal council it is certain that the voice of the minority will never again be heeded. By a slow, cautious, but regular process, the rights of the people and the sovereignty of the Southern States will be curtailed until their total extinguishment is effected. By multiplying the number of free States, resisting all attempts to enlarge the area of the slave-holding community, and discriminating between the rights of Northern and Southern persons and property, another decade will not have passed before the general government will enforce edicts, greater in their results on human liberty and the progress of political enlightenment, than ever emanated from the worst forms of despotism. Before that period arrives, the existence of South Carolina as co-partner in a great commonwealth will have ceased. Merged in the limits of contiguous provinces, the truthful momorials of her history will lie scattered over her hills and valleys. On the printed page the

tale of her origin and progress may be found, but the real causes and manner of her political extinction will never there be read.

The North and South differ fundamentally in institutions, and from the frame-work of their social organization, they need different laws. While a strong government with all the appliances of extensive patronage is necessary to the former, a mild and equal system of legal restraints is required by the latter. The restriction on foreign commerce is a policy of the one, free trade that of the other. The North is from necessity a commercial and manufacturing people, the South an agricultural community. While the former seeks an enlargement of the powers of the Federal government, in order to enable it to profit by the wealth of the producing States, the latter, impelled by the principle of self-preservation, strives to confine the common agent within well defined and narrow bounds.

In the one section capital and labor are theoretically equal, but from influences perhaps incapable of controlment, they are practically antagonistic; in the other, capital is superior to labor, and the relation between them is a moral one. The character and interests of each insure the harmonious action of both in all their operations. These discordant materials in our federal structure are mainly, if not exclusively, referable to the positions respectively assigned the parties by nature. Such is the adverse tendency of that position in relation to one of them—the larger section—that it seems to be an imperative duty on its part to promote, under the pretence of the general welfare, the success of measures purely sectional in their application.

This obstinately perverse proclivity is in reality in strict obedience to a political law, the offspring of the moral obliquity of the human heart. The lesser, numerically, and richer interests, has always been the subject of plunder by the greater and poorer interest. It is historically true, moreover, that in every confederacy where the principle of the concurrent majority is not practically recognized, the centripetral is stronger than the centrifugal tendency of the parties; further, that in the legislative branch of the government all usurpations generally commence and are ultimately acquiesced in by the other departments. In relation to our Federal institutions, the Constitution in its most important provisions, has in effect been so essentially changed, that the Union created by it no longer exists. Its guaranties from the revolution which has been practically accomplished over us have been overthrown, and a consolidated government having its discretion and will as the measure of its powers, is now the government of the Union. Every compromise too into which the South has entered, including the compromises incorporated in the great charter of the public liberties, has been utterly disregarded. By legislative devices, our people now, as heretofore, are not only in effect

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despoiled of the profits of their industry, but their contributions to the public purse continue to be expended in unjust proportions, to further the interests of their revilers and sappers of their domestic altars. While by congressional enactments the North in the various branches of industry have been forced into a condition of unexampled wealth and power, the advancement of the South, so prodigally furnished by nature with all the elements of prosperity and greatness, has occupied a position far below that it would have reached had the confederation been composed of one people in interest and feeling. The North and South, in the palmy days of the Republic, both reverenced and loved the Union for the immeasurable blessings it insured. Unhappily it is now maintained by the former to effectuate its long-cherished design—the disfranchisement and degradation of the latter.

If asked for the evidence of these grave accusations against the governments and people, whose support and friendship we once so dearly valued, I point with grief of heart to the often perpetrated or attempted encroachments by Congress on the reserved rights of the States; the incendiary resolutions of State legislatures; the sweeping denunciations emanating from different associations, formed for the special end of carrying throughout our borders the torch of insurrection; the bitter and vindictive feelings of the press, the bar, and, I may add, the pulpit; the inflammatory harangues at popular meetings; the actual robbery of millions of our slave property by emissaries, not only without an effort by the Northern State governments to enforce the provisions of the Constitution concerning fugitives "held to labor," but by the authority of law and the force of public opinion encouraging and sustaining these fanatical exhibitions of public sentiment; the annihilation, at a blow, of the principle of State equality, by the exclusion of one-half the citizens of the confederacy from all participation in the newly-acquired domain; the violation of a great sectional compromise by the dismemberment of a Southern member of the Union, in order, at a convenient season, to carve from its bosom a free and hostile State; in fine, the unceasing assaults upon the character of the slave-holder by all classes, in public and in private, as an enemy to God and man—as unworthy of a seat at the table of the Lord, or to enjoy as co-partners the noblest bequest ever inherited by freemen. The ultimate object of this consentaneous movement, in which governments and people are the actors, is the emancipation of the negro throughout the region in which he is constitutionally held as property, although its execution may consign to the same grave the master and the slave, and spread desolation over their common home.

While I rejoice in the conviction that a large number of individuals at the North do entertain conservative opinions on the matter of slave property, and whose voice is occasionally heard in the uproar of the

waters of strife, yet, overawed by the impetuosity of the torrent which is perhaps destined to overwhelm the land, they involuntarily shrink from the task of attempting to stay its progress. The instances are rare in which, where the effort has been made, deprivation of office, or other mark of displeasure and rebuke, did not quickly follow. This of itself, if proof were needed, proclaims the deep-seatedness and all-pervading character of the disease which affects the body politic of that extensive and populous region.

For about one-third of her political existence South Carolina has presented an almost uninterrupted scene of disquietude and excitement, under the provocation of contumelies and threats poured from a thousand tongues and in forms the most offensive. During that period it may with truth be affirmed that the public mind has not for a year been free from the most painful solicitude. Peace indeed has long fled from our borders, and discontent and alarm are everywhere present. Better, far better, it would have been, for the South to engage in deadly conflict with the North, than to have endured the torturing anxiety of an anomalous struggle, the consequences of which are beyond the ken of human prescience. An open war is limited by the causes which produce it, but the further continuance of such a war—political, religious, and social—as has been waged by one party against the other, and in which a strictly defensive attitude has unwaveringly been preserved by the weaker, would falsify and dishonor the history of the Anglo-Saxon race. Whatever may be said by the demagogue and the fanatic, it is our pride and high privilege to declare that the unexampled forbearance of the South is referable solely to its unaffected devotion to the compact of '89 and the principles of constitutional liberty.

As soon as the message of Governor Seabrook had been read to the House, Mr. Memminger offered the following resolutions, which were ordered to be considered immediately, and were agreed to:

Whereas, it becomes a Christian people at all times to look to the King of kings for guidance, but more especially in seasons of trial and difficulty; and, whereas, the enactments of the last Congress of the United States have destroyed the equal rights of the Southern States, have invaded the peace and security of our homes, and must lead to an overthrow of the existing order of things; therefore,

Resolved, That we recommend to the people of South Carolina to set apart Friday, the 6th of December, as a day of fasting and humiliation, and that the reverend clergy throughout the State be invited to assemble their respective congregations on that day to unite in prayer to Almighty God that He may direct and aid this General Assembly in

devising such means as will conduce to the best interests and welfare of our beloved State.

2. Resolved, That religious services and a sermon appropriate to the occasion be had in the hall of the House of Representatives, and that a fitting clergyman be invited to officiate.

3. Resolved, That a committee of three be appointed on the part of this House, and that a message be sent to the Senate proposing the appointment of a like committee to meet the committee of this House, for the purpose of carrying into effect these resolutions.

No one could have more fully appreciated the momentous character of the proceedings, which Mr. Memminger knew would make this session of the Legislature the most important of the many in which he had served as the faithful representative of an intelligent constituency. He was not recognizing a mere form, or was he simply respecting a custom among Christian people, when he offered the foregoing preamble and resolutions. As a sincere Christian believer—one who all through his life feared God, who accepted the Bible as His revealed will, and who trusted in His omniscient care and mercy, he desired His divine guidance under circumstances which manifestly threatened the peace of the country and the happiness of his people.

The sermon referred to in these resolutions was delivered by the Rev. Whiteford Smith, D. D., an eloquent and learned clergyman of the Methodist Church. It must have been a discourse of great power, so fully meeting the suggestions of the occasion that by a resolution of the House twenty-five thousand copies were ordered to be printed.

At no time in the previous history of the State, unless it be that in which the Nullification measures were under discussion, was there a more wide-spread or a deeper feeling of resistance to the action of Congress and the procedures of the *abolitionists*, as the adherents of the Free-Soil party were generally known.

Secession from the Union was not only freely discussed as a right, but it was now demanded by its advocates as the

only remedy for existing grievances. The large majority of the people did not deny the right, and were only divided among themselves as to the expediency of asserting it by the separate action of the State. Those who were the advocates of immediate and separate State action, from the vehement and fiery appeals made by them to the people, came to be known as "Fire-Eaters." They wished to dissolve at once all connection with the Federal Union and declare South Carolina an independent republic. There was a larger and more conservative class of citizens, who, while they admitted the grievances complained of and did not deny the right of the State to withdraw from the Union and assume at pleasure a sovereignty, which had only been delegated, yet they were opposed to the policy of separate State action as being inexpedient and unwise. They desired the Southern, or slave-holding States, to act together, united in a common cause and impelled by a common interest. There was also a small party who were for preserving the Union of the States under any and all circumstances—men, who, like Mr. Petigru, believed that the Union was stronger than slavery, and that there could be no remedy for the evils they recognized to exist outside of the compromise legislation of Congress. These had generally been Federalists and Whigs, but were now known as Unionists.

The address to the people of the Southern States issued by the Mississippi Convention, and the call for a Southern Congress made by the convention at Nashville, produced a great excitement throughout the country. There was scarcely a meeting of the people held for any purpose but reference was made to the action of Congress, and the secession of the State either advocated or opposed. It may be readily inferred that much of this excitement was brought from the hustings into the legislative assembly of 1850, the delegates to which being chosen under the influences of the debates

upon this all-absorbing subject. Mr. Memminger was, from the deliberate convictions of his judgment, opposed to separate State action, and was among the leaders of the "Co-operation Party," who hoped that in a general Congress of the Southern States there could be such action taken as would remedy the grievances of which the South had just reason to complain, and who deprecated secession as the sure means of provoking civil war. He held, with Mr. Calhoun, that the relations existing between the several States were defined in the Constitution of the Union as a compact of agreement, which one or more might have the right to withdraw from; but that the other States, as parties to this compact, had the right to determine for themselves the question as to whether the seceding State or States had sufficient grounds to withdraw from the compact of association, and by coercive measures, if deemed necessary, to force the seceding State to remain a party to the co-partnership or confederation in the event that they should determine that the compact had been broken without just and sufficient cause. In other words, that while secession from the Union was a right, it was a revolutionary right, and, under the circumstances then investing the State of South Carolina, would result in war. Assured of this, the question of grave consideration with Mr. Memminger was, is the State ready to meet the consequences of secession? is South Carolina prepared in resources to maintain her right of secession if it should be resisted?

Believing that in a Congress of the Southern States such measures could be instituted as would bring about either an adjustment of the causes of complaint or secure the co-operation of all of the Southern States in the act of secession, Mr. Memminger, at an early period in the discussion of the bill to call a convention of the people, introduced the following preamble and order:

Whereas the convention of the slave-holding States lately held in Nashville hath recommended the meeting of a Southern Congress; and, whereas, the State of Mississippi hath taken such action thereupon as will necessarily postpone the meeting of said Congress beyond the day appointed by the Constitution for the reassembling of this General Assembly in November next; and, whereas, it is proper that the meeting of the Southern Congress should precede any action of a convention of the people of this State; therefore, it is ordered, That the further consideration of the bill before this House providing for the call of a convention of the people of this State, be postponed until the Monday next ensuing the first day of the session of this General Assembly in November next.

This order was not agreed to, the vote being forty-seven to seventy-four. It now became manifest that the House was determined to call a convention. Several bills having this object in view and providing for the election of delegates to a Southern Congress were introduced and discussed at length. Finally these were all embodied in a substitute presented by Mr. James H. Campbell, providing for the appointment of a certain number of delegates by the Legislature, and the election of others by the people, who should represent South Carolina in a convention or congress to be held at such time and place as the States desiring to be represented may designate; and, furthermore, providing for a convention of the people of South Carolina, at Columbia, at such time as the Governor may appoint.

Upon the adjournment of the Legislature the all-absorbing subject brought before the people was that of secession. Candidates were soon announced for the office of delegate to the Southern Congress, and the issue fairly made as to whether South Carolina should withdraw from the Union alone, or wait until she could secure the co-operation of her sister Southern States. There had never been known so great an excitement among the people of the State. Mass meetings of citizens were held in the several districts, and the people addressed at length by speakers who were either secessionists or co-operationists. At the solicitation of the

Conservative party at Greenville and at Pendleton, Mr. Memminger visited these places in the spring and summer of 1851, delivering at each place an address, which was construed by the extreme Secessionists as being in advocacy of separate State action. Considering that the reports of these addresses were misrepresentations of his real convictions, on his return to Charleston, in the month of September, Mr. Memminger delivered an address at a public meeting of the friends of Co-operation, called for the purpose of nominating delegates to the Southern Congress. This address was one of great force, and had much to do in arresting the tide of passion which appeared to be bearing on its flood the destinies of the State. Many copies of it were printed by the Executive Committee of the Co-operation Party, and widely distributed throughout the State. I reproduce it here as presenting the state of feeling not only, but as giving to the reader the argument, which was then strong enough to overcome the advocates of separate and immediate State action.

Fellow Citizens,—I rise to move the adoption of the address and nomination which has just been submitted. I rejoice that the committee have united in recommending two gentlemen, so well known to us, by a life of public service and of devotion to the public interest. In the stake which they have in the community, and in their common sympathies and opinions, we feel they are thoroughly united with us, and to their integrity and zeal for the public good, we can safely entrust our dearest interests.

It may not have occurred to all who hear me that this election is of great importance to our State. Casual observation might lead to the belief that inasmuch as this Congress will probably never meet, it is useless to make any selection as to the men who are to be its nominal members. But let it be borne in mind that a convention of the people of this State has been ordered by the Legislature, which will probably meet before any further expression can be had of the public voice. The delegates to this convention have been elected by a mere fragment of the people, at a time when they were not aware of the momentous issues before them. This convention will undertake to decide the gravest question ever brought before a people, namely—the change of the whole frame-work of government; and not only this, but the equally

grave, if not graver question, whether a new nation shall take her place among the nations of the world. Upon these great questions, which of you fellow-citizens had made up your minds when you voted for delegates? Nay, how many of you voted at all? The delegates elected represent about one-fourth of the voters of our district, and many of them do not represent more than three or four hundred voters out of three thousand.

The same small minorities elected delegates in nearly every district in the State, and a convention thus created is about to seal our destiny. The present election furnishes the only probable opportunity before the meeting of this convention for the people to declare their will. It has been loudly asserted that a majority of our people are in favor of immediate secession from the Union, and both parties have turned to this election to assertain the fact. You will perceive then at once that if the advocates of secession elect the members to the Southern Congress, it will confirm this assertion and in all probability will induce them to carry out their measure as speedily as the convention can be assembled. You are, therefore, in fact now determining the question whether South Carolina shall at once secede alone from the Union.

In deciding this question it is important that all barriers should be removed, which prevent you from looking directly into its whole merits. One of the most formidable of these barriers is an impression that the State stands committed by pledges to take separate action, which as men of honor her citizens are bound to redeem. Let us, therefore, in the first place examine the facts, and see how and to what extent the State stands committed.

We will go back as far as 1848, although that date is two years ahead of the late action of Congress. At the session of the Legislature in December, 1848, the following report and resolutions contain the action to which the State was pledged:

[Extracts from the Reports and Resolutions, 1848, p. 147, Joint Committee on Federal Relations.]

In the House of Representatives, December 12, 1848, the Joint Committee of the Senate and House of Representatives upon Federal Relations, to whom were referred so much of the Governor's message as relates to the agitation of slavery and sundry resolutions upon the same subject, beg leave to report the following resolutions as expressing the undivided opinion of this Legislature upon the Wilmot proviso, and all similar violations of the great principle of equality, which South Carolina has so long and so ardently maintained should govern the action of the States and the laws of Congress upon all matters affecting the rights and interests of any member of this Union.

Resolved, unanimously, That the time for discussion by the slaveholding States as to their exclusion from the territory recently acquired

from Mexico has passed, and that this General Assembly, representing the feelings of the State of South Carolina, is prepared to co-operate with her sister States in resisting the application of the principles of the Wilmot proviso to such territory at any and every hazard.

Resolved, unanimously, That the Governor be requested to transmit a copy of this report to the Governors of each of the States of this Union and to our Senators and Representatives in the Congress of the United States.

Mark the words: "South Carolina is prepared to co-operate with her sister States." This is the whole extent of our pledge in 1848.

In 1849 the subject was brought before the Legislature by the Governor, and each house had a report from its own committee, and it is quite remarkable that in each separate report separate State action is not once alluded to, but each recommends concert of action with the other States of the South. Read the reports for yourselves, which, for your information, I have copied *verbatim* from the record.

[Extracts from the Reports and Resolutions, 1849, pp. 312, 313, 314.]

In the Senate, December 13, 1849: The Committee on Federal Relations, to whom was referred so much of the message of his Excellency the Governor as relates to the recommendation of the people of the State of Mississippi for a convention of the people of the Southern States, to be held in Nashville in June next, and also so much of the message as relates to convening the Legislature of this State in the event of the passage by Congress of the Wilmot proviso, or any kindred measure, beg leave to report that they cordially concur with the views expressed by his Excellency the Governor as to the necessity on the part of the Southern people of a united action against the encroachments upon their domestic institutions and their condition of equality in this confederacy by the people of the North and by the Congress of the United States, and rejoice with him in the lofty and dignified position assumed by the people of the State of Mississippi against any such infractions of the compromises of the Constitution, and the appeal which she has made to the people of her sister States of the South to unite with her in common counsel against common aggression. The committee are of the opinion expressed by this Legislature, at its last session, that the period of decisive action has arrived, and that the authorities of South Carolina should be prepared promptly to take such steps as the other States of the South shall recommend and her own position demands. The committee, therefore, in conformity with their own opinions, and, as they believe, with the expressed and understood wishes of this Legislature and of the people of the whole State, recommend for adoption the following resolutions:

Resolved, That in the event of the passage by Congress of the Wilmot proviso, or any kindred measures, that his Excellency the Governor be

requested to forthwith convene the Legislature, in order to take such steps as the rights, interests and honor of this State and of the whole South shall demand.

Resolved, That the Senate do agree to the report.

Ordered, That it be sent the House of Representatives for concurrence.

By order. W. E. MARTIN, C. S.

In the House of Representatives, December 19, 1849:

Resolved, That the House do concur in the report.

Ordered, That it be returned to the Senate.

By order. T. W. GLOVER, C. H. R.

In the House of Representatives, December 18, 1849: The Committee on Federal Relations, to whom was referred so much of the Governor's message as relates to the recommendation to the Southern States, by a convention of the people of Mississippi, to send delegates to meet at Nashville to consult in common upon common rights, with a view to unity of action.

And, also, so much of the message as relates to the convening of the Legislature upon the Wilmot proviso, or any kindred measure, becoming a law of Congress, report that the people of this State entertain an ardent desire and fixed determination to resist the lawless and unjust encroachments of Congress on the rights of the South, and have pledged themselves, through their legislatures, to co-operate with the other Southern States in opposition to all such measures. They, therefore, concur with his Excellency in the belief that South Carolina hails with delight the proffer by the people of Mississippi of meeting, by delegates, in common counsels, at Nashville, and will heartily and promptly send delegates there to represent them; that they concur, also, with his Excellency in the propriety of calling together the Legislature should any such contingency occur, as is alluded to by his Excellency, and therefore recommend the adoption of the following resolutions:

Resolved, That should the Wilmot proviso, or any kindred measure, become a law of Congress, the Governor is hereby earnestly requested to call together the Legislature, should it not be in session at the time of the passage of such law.

Resolved, That the House do agree to the report.

Ordered, That it be sent to the Senate for concurrence.

By order.

T. W. GLOVER, C. H. R.

In Senate, December 19, 1849:

Resolved, That the Senate do concur in the report.

Ordered, That it be returned to the House of Representatives.

By order.

W. E. MARTIN, C. S.

It is important to observe how carefully the Senate insist upon "the necessity, on the part of the Southern people, of a united action against the encroachments of the North," and declare this State to be prepared "promptly to take such steps as the other States of the South shall recommend." With equal care the House of Representatives declares that "the people of this State have pledged themselves, through their legislatures, to co-operate with the other Southern States in opposition to all such measures."

Here, then, are all the pledges of South Carolina. They are distinct and definite for co-operation with our sister States of the South. Not one word is there of separate State action or secession.

The proceedings of the session of 1850 strengthen this view of the subject. At this session no resolutions were adopted, but several leading measures distinctly evince the position of the State. The first of these measures was the act calling a convention and Southern Congress. The preamble to this act, as well as its provisions, manifestly speak the views of the Legislature.

The act is entitled, an act to provide for the appointment of Deputies to a Southern Congress, and to call a Convention of the people of this State; and here is its preamble:

"Whereas, the convention of the slave-holding States, lately assembled at Nashville, have recommended to the said States to meet in Congress or Convention, to be held at such time and place as the States desiring to be represented may designate, to be composed of double the number of their Senators and Representatives in the Congress of the United States, entrusted with full power and authority to deliberate with the view and intention of arresting further aggressions, and, if possible, of restoring the constitutional rights of the South; and, if not, to recommend due provision for their future safety and independence."

And what is the declared object of this convention? By the terms of the act itself, it is assembled "for the purpose, in the first place, of taking into consideration the proceedings and recommendations of a Congress of the slave-holding States, if the same shall meet and be held; and for the further purpose of taking into consideration the general welfare of this State, in view of her relations to the laws and government of the United States, and, thereupon, to take care that the Commonwealth of South Carolina shall suffer no detriment."

Is it in the power of human ingenuity, with these proceedings open before you, to persuade you now that South Carolina is pledged to secession? Nay, is it not most clear that she is pledged exactly to the reverse—to concert and union with her sister States?

If there were any doubt remaining, it would be dispelled by the fact that when the Legislature elected, at the last session, the delegates who were to represent the State at large in this Southern Congress, they

elected R. W. Barnwell, Langdon Cheves, Wade Hampton, and John P. Richardson, all of whom, at the time, were supposed to be opposed to separate secession, and three of whom still maintain the same opinions.

While we have before us these same records of the action and pledges of our State, let us examine another of the statements by which the secession party have misled the people. Those who oppose secession are continually traduced as insincere in their professions of resistance; the people are told everywhere that the Co-operation party are mere time-servers, disguised submissionists, and that Secessionists alone are the real active movers of resistance. Let us test the professions of both parties by their practice, and we shall arrive at more just conclusions. At the last session of the Legislature three practical measures were brought forward which were deemed necessary to resistance in any form. The first of these was the raising of money by increase of the taxes; the second, the formation of a board for judiciously expending the money; and, the third, the building of steam-packets for creating a direct trade with Europe, and providing the State with armed steamers to assist in defending her coast.

You are, of course, prepared to expect that these measures were introduced and urged by the secession leaders; what will be your surprise to learn that they were all introduced by co-operation men, and two of them were actually opposed by several of the most prominent secession men; and if this opposition had been successful, the third would have failed, because it depended upon one of the others.

The increase of taxes was proposed by myself, and in and out of the House it was urged as incumbent on South Carolina, where alone the resistance party had possession of the government, to provide arms and munitions of war, not only for herself, but for the confederates which we expected soon to have from the South. It had been urged by the Union party in several of our sister States that in case of conflict with the general government, there was not powder enough in the whole South to supply a single engagement. Nay, some of you may remember that even in South Carolina the Governor had replied to a company at Walterborough that he was unable to supply them with arms. To meet these exigencies, to encourage our friends in the South, and to exhibit to our enemies at the North a spirit of determination which could not be put down, we urged an increase of the taxes. Let the record speak what followed. I have copied the following from the Journal (page 221):

"Mr. Harrison moved to reduce the tax on lands from fifty-three to twenty-five cents. Mr. Memminger moved to lay the amendment on the table—yeas 74, nays 38. Among the nays are the following names—Messrs. Abney, Easley, Evins, Harrison, Hutson, Ingram, Lyles, Moorman," etc. Those acquainted with the names will recognize among the nays the active legislative leaders of the secession party.

You will see still further into these matters by examining the legislative action upon another practical measure of the last session. This was the bill for aiding in establishing a direct trade by steam-packets with Europe, in which was a clause giving the aid of the State to this enterprise on condition that the steamers should be so built as to be available to the State for war purposes, and should be sold to the State in case they were required. This measure was introduced by Colonel Chesnut, of Camden, who is now the Co-operation candidate for the Southern Congress from the Third Congressional District. It was reported by the committee of which I have the honor to be chairman; and when it came before the House the following proceedings took place.

House Journal, p. 163: "B. F. Perry moved to strike out the nineteenth clause and those following (which granted the aid of the State and required the steamers to be so constructed as to be made available for war purposes). Yeas 41, nays 60. Among the yeas are the following —Messrs. Abney, Hutson, Keitt, Moorman, Sullivan," etc.

Now when it is considered that these were the practical measures which clearly exhibited to all the world our determination to provide for our defense, and that the establishment of a direct trade with Europe by steamers was in every aspect an effective measure of resistance, it is not surprising that Mr. Perry, of Greenville, should have opposed it, but to find the secession leaders joining with him to oppose the first nucleus of maritime defense, the first beginnings of practical resistance, will doubtless surprise you as much as it did us.[1]

I have thus laid before you, fellow-citizens, the highest evidence possible; and if any one shall again speak to you of the pledges of the State, or of the submissive temper of the Co-operation men, you can reply that the State is indeed pledged, but that the pledge is to co-operation and against separate action; and as to the comparison between the active zeal of the two parties, you can safely appeal to the acts of those who represent your views; the record will speak for them, and will

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[1] NOTE.—The other practical measure, appointing a Board of Ordnance, was introduced by Mr. Torre, of Charleston, one of the firmest advocates of co-operation, and opposed to secession. The yeas and nays not appearing on this measure in the Journal, I made no note of it, and it thus escaped my attention in my speech. I also omitted to notice that I had myself submitted to the House the following resolutions to indicate my view of the course to be pursued by the State:

"In the House of Representatives, December 10, 1850, Mr. Memminger submitted the following resolutions:

"1. Resolved, That the proposal of the Nashville Convention that the slave-holding States shall meet in a Southern Congress, is accepted by South Carolina, and this General Assembly will forthwith provide for the appointment of deputies to the same.

"2. Resolved, That two hundred thousand dollars be appropriated for the purpose of arming and defending the State.

"3. Resolved, That a police system be established for protecting our people, bond and free, from the evil designs of Northern emissaries and abolitionists."

relieve you from the necessity of being heralds of your own achievements.

While engaged in this task of clearing away cobwebs, allow me to ask your attention for a moment to a matter personal to myself. I am sorry to detain you upon so humble a subject, while matters of so much more moment await our consideration; but as the opposite party have thought it worthy of their attention, it becomes needful to set it right. I observe that the Secession party have done me the honor to publish my speech delivered at Pendleton last fall, as one of their tracts, and thereby inferentially to claim my sanction to their measures. I presume this honor to have been procured by the last short paragraph of the speech, in which it is declared that if all the South shall refuse to unite with us, and we be left to choose between submission and resistance, I, for one, would prefer to secede from the Union.

Let it be borne in mind that I was speaking of the action of States in whose history years are but as days to individuals—that the whole drift of the speech is to commend resistance, and to show that a Southern Confederacy is the true and practicable and desirable mode. The example of the revolution is then held up for imitation, in which, be it remembered, that more than ten years were consumed in procuring concert of action; and then it is declared that if such concert cannot be had, I would prefer martyrdom to self-destruction. By what reasonable interpretation could this justify an abandonment of the effort at co-operation in a single year, and that too when the Secessionists have themselves prevented the steps necessary to procure it.

You yourselves know, fellow-citizens, that in a speech delivered before you upon hearing of the death of Mr. Calhoun, I urged you to accept the legacy which he had left us of resistance according to his views, and strongly urged upon you the example and measures of the American Revolution. If in my speech at Pendleton I was unguarded in not including the element of time, it was because I spoke as many of our friends, the Secessionists, still do, under the impulse of deep-felt wrongs. I was urging on the mountain population to resist injustice, the pressure of which was less realized where few slaves existed; and under these feelings words were not carefully weighed, nor possible misconstructions guarded against. But now that the matter is under sober consideration, now that I am told what use is made of the language, I unhesitatingly declare that be the language what it may, my deliberate judgment is against the separate secession of South Carolina. I have an abiding confidence that the slave-holding States will co-operate with each other, and that a union of the South will be formed in spite of every obstacle; and these views I urged upon the last Legislature when I opposed the call of a convention. I have no sympathy with that consistency which adheres to an opinion merely because it has been once expressed; the only consistency which I aim at, is that of right.

Be all this, therefore, as it may, the true inquiry now to be made, is as to the fitness and expediency of the policy to be pursued by the people of South Carolina. Shall we secede alone from the Union and set up as an independent nation, or shall we adopt measures to bring about a union of the South?

To determine this question we must examine what are the existing evils for which these measures are proposed as remedies. It is agreed on all hands that the true evil pressing against us, is—that the Federal government has been perverted from its original foundation to become an engine of attack upon African slavery, and thus threatens destruction to the civilization and social institutions of the South. The first blow has been struck in despoiling us of our equal share of the territory conquered by our united arms and purchased by our common funds; and the object intended by the Wilmot proviso of hemming in slavery and preventing any increase of the slave power, has been in fact consummated in California. It has been long foreseen by our wisest statesmen, and by none more clearly than by that great and faithful champion of the South whose ashes repose in our city and whose counsels should be engraven on our memories, that there exists an irreconcilable difference between the North and the South, which soon or late must come to issue. The area upon which their respective institutions should be developed, has hitherto been the field of battle. New States were formed from this area, and upon their introduction on one side the other endeavored immediately to bring forward a counterpoise. In this way the issue has been postponed as it were by repeated truces, and it was hoped by many that the Missouri compromise would form a line of permanent peace. And so it would have done with the South. The North would not abide by it. But power and fanaticism are always aggressive; and the Wilmot proviso was devised as a means of finally overpowering the South. It simply provided that slavery should be excluded from all newly acquired territory; and the result must follow that every new State would belong to the North. Thus they would acquire the entire control of the government, and according to their views of the Constitution, over the destinies and fortunes of the South.

The stupendous fraud by which the whole Pacific coast was included in a single State, was compensated to the North by a second fraud, whereby slavery was excluded from all this region, and California was admitted into the Union with precisely the same result as would have followed had the Wilmot proviso been originally adopted. Of course the North was content; they can divide it at their leisure into other States, and with the aid of new votes in the Senate, can dispose of the remaining territories of the United States at their pleasure. The evil is accomplished—it is indeed of fearful magnitude. But where is the remedy?

The Secessionists say leave the Union and set up for ourselves the independent nation of South Carolina. How will this give us back our right in California? How will it give us our portion of Utah, or New Mexico, or any new territory to be acquired? How will it enable us to expand in Texas and send our surplus population or our slave institutions to increase the area and power of slavery? And more than all this, how will it give peace and security in future to the institutions and civilization of the South?

On the other hand, the Co-operationists propose to unite the South in a common cause, and to demand for themselves equality in the Union or independence out of it. They propose to demand a restoration of their equal share of California, a participation in the remaining territory of the Union, and security from their co-States for the peaceful enjoyment of their rights; and if these be refused, as they have reason to fear they will be, then that the whole South should form an independent confederacy and protect and defend themselves as best they can.

The mere statement of these two plans so completely determines the mind in favor of the latter that the Secession party itself is forced to defend secession as being the best means of producing a union and co-operation of the South. Therefore, the first inquiry we shall make is, whether this be so? Will the separate secession of South Carolina conduce to the union and co-operation of the South?

What is secession from the Union? It is departing from the Union; leaving the company of the States which compose that Union; and as the Southern States form part of that company, we abandon them in common with the rest. Secession is, therefore, the opposite of co-operation, and yet we are told that to leave a society is the best mode of producing concert with those who are thus abandoned. The mere statement of such a proposition seems to decide it.

But let us examine it more in detail. Secession must either be peaceful or attended with war. Suppose it peaceful. Suppose the general government to withdraw all objection and South Carolina to be peacefully established as a separate nation. How will that conduce to the union of the South? I will hereafter consider how such a condition will affect South Carolina herself. Our present inquiry is limited to its effect upon the other Southern States.

Each one of the Southern States has definitely evinced its determination not to leave the Union for existing grievances. Although some of them are deeply discontent, yet have they all determined to remain in the Union in preference to leaving it now and establishing a new confederacy. What is to change this determination? Are we to suppose that they entertain so high a sense of the wisdom of South Carolina that her judgment will over-rule their own? Let any man cross the Savannah river, and if he ever entertained so high a conceit of his own State,

he will soon find that Georgia at least does not concur in it. Test the matter by seeing how far the opinion and judgment of the State of Georgia has influenced us. She has determined, by an overwhelming vote in a convention solemnly called, that she deems it wisest to remain in the Union. Has this decision convinced us or induced us to adopt it? How then are we to expect that our convention will produce a greater effect upon them?

Is the measure of secession itself, if peaceably carried out, calculated to overcome the repugnance of Georgia or the other Southern States? The secession leaders gravely propose that our ports shall be opened to free trade, and that South Carolina shall become a great den of competition for smugglers from the adjacent States. How is such a scheme likely to be received by all those engaged in fair trade in the Southern States? Would it not rouse every honest trader throughout the South? Could Savannah, and Augusta, and Wilmington, and Mobile, and New Orleans allow such a condition of things to continue, and would those who endeavor to force it upon them be regarded by the sufferers as friends with whom they are to join in concert? Human nature must change before measures of this kind can have any other effect than to deepen hatred and widen breaches.

But let us take the other alternative—the alternative which is far more likely to occur. Suppose secession should not be peaceful, and that war, or measures of *quasi* war, should be adopted, would co-operation and union of the South be more likely to occur?

We cannot shut our eyes to the fact that the United States government is in possession of the forts which command our harbor. There they are, and the flag which floats over them contains the stars and the stripes which Georgia, and Alabama and Mississippi yet claim as their flag. When South Carolina secedes and becomes an independent nation, I do not doubt that the valor of her sons will not permit a foreign flag to wave over her territory. The forts will be attacked. They will be subdued at a cost, however, of many of her valued sons—a cost the more dear, as unfortunately it will bring us no relief. The flag which now floats over these forts will trail the dust; but whose flag will that be? Georgia, and Alabama, and Mississippi, and North Carolina, and Virginia, and Tennessee, and Kentucky, and Florida, and Louisiana and Arkansas each claim one of those stars; each has a common pride in that flag; each has her honor floating in its stripes; each feels a wound when that banner has been struck. And you are told that a blow like this will lead to sympathy and co-operation. Georgia is to call a convention while smarting under the shame of wounded pride, and follow a lead which in her kindliest moments she has distrusted. Alabama and Mississippi are to come alongside of us then, and to take part in defending, by force of arms, those schemes which at present even

the suspicion of favoring has caused them to repudiate their most trusted and popular leaders.

But, it is said, that no sooner will South Carolina have moved than thousands of volunteers will come to her aid from the adjoining States. Suppose that to be true, what we are now considering is not the maintenance by South Carolina of her separate nationality, but the likelihood of the union of the South. What we need is the concert of the State governments in forming a new confederacy. The fact that some thousand volunteers would come to our aid, no more advances this end than did the volunteers under Lopez prove that the States from which they came would go and join with Cuba. The State of Georgia has in convention solemnly determined to adhere to the Union. Suppose the State of South Carolina shall in convention, with equal solemnity, determine to leave the Union. According to our doctrine, every citizen of South Carolina would be bound by this decision, and would be guilty of treason in opposing it by any overt act. Does not the same consequence follow in Georgia? Every Georgian in arms against that Union to which his State has determined to adhere would by the same reason be a traitor to his own State, and consequently every man who would march to the aid of South Carolina must be content to abide all the consequences of treason to his own State. And this is the position in which we are to place our friends and supporters in the other States. Is it not obvious that such a course must lose them all? While we are with them in the Union we can meet and counsel and act together as friends. When we leave the Union we are foreigners to them; and counsel or co-operation with us against the voice of their own State is treason, and could not be entertained by honorable men.

I think, then, it is clear, beyond a doubt, that the secession of South Carolina will not effect the union and co-operation of the South.

This brings us to the only remaining inquiry. Will secession by South Carolina alone remedy the evils of which we complain? Will it give us redress for the past or security for the future?

1. Will it restore our rights in California?

Secession abandons the whole property of the Union to the States which are left in possession. It is physically impossible for South Carolina alone to recover any part. A union of the whole South, either in or out of the Union, could compel a reparation of California, and the establishment of the Missouri Line. The friends of Southern rights in other States are still insisting upon this line; it was laid down as the demand of the South by the Nashville convention, and we intend to insist upon it. United action by the South can influence California herself upon this question; and for South Carolina to retire from the Union alone is not only to withdraw our support from our friends, and thus to weaken the common cause at its very crisis, but to abandon the whole prize to our enemies.

2. Will secession relieve us from the injuries, present and future, growing out of the adoption of the Wilmot proviso?

I have shown in my speech at Pendleton and Greenville that the Federal government have practically adopted the Wilmot proviso; that it is a mere evasion to put the exclusion of slavery from California upon the people of that State. In my opinion, the government at Washington is responsible for it, and I consider it a practical victory obtained by the North, which gives them the mastery over the civilization of the South. They have now the control of the whole government. They have so adjusted the area upon which our institutions are to expand that their political power must increase and ours remain nearly stationary. In such a condition of things the final struggle cannot long be postponed. Truces are nearly at an end; the Missouri treaty has been set aside; the fugitive slave law is the only olive branch remaining, and fanaticism will soon wither it with its breath. The great contest must come on which wise statesmen have long foreseen, and the institutions of the South must come in conflict with the fanaticism and self-interest of the North. At such a time we are invited to divide —to separate ourselves from the Southern phalanx—to introduce dissension and discord in the slave-holding camp, and to withdraw from the main body what we believe will prove its Tenth Legion in time of trial.

In what possible way will secession remedy the existing state of things? At present we are excluded from California. But we have Texas and the Indian Territory open to us. By a union of the Southern States we have at present the prospect of extending our institutions in and around the Gulf of Mexico, still farther to the South, and possibly of making that gulf to us what the great lakes are to the North. Cuba lies open before us. Yucatan has once actually called us to their aid. But secession extinguishes all these prospects, and brings the Wilmot proviso close up to the banks of the Savannah river. Our slaves, which now can go to any part of the South, will then be shut up in South Carolina, and cannot even cross the Savannah river or the North Carolina line. For by secession we become foreign to the other States of the Union, and by their laws it is piracy to introduce slaves from abroad.

And is it supposed that by leaving the Union we escape the dangers which the government of the United States may offer to slavery? Imagine for a moment slavery to be abolished in Georgia and North Carolina, and what would be its condition in South Carolina? Must it not fall there too? The truth is, that the institution in the United States is a unit, and every blow dealt upon it in one part must be felt in every other. And it is mainly this which makes our abandonment of the rest of the South so unwise. We have more thoroughly considered this subject—for it must be confessed that the horror of disunion has in other

States prevented them from examining it in all its bearings. We then, instead of instructing, encouraging, supporting, are to abandon our colleagues in the moment of danger, and to leave them weakened and dispirited by our loss to the machinations of a subtle and uncompromising foe.

Failing, then, in all these arguments, and driven to the conclusion that their scheme promises neither redress for the past, nor security for the future, as a desperate resort the Secessionists are forced to become prophets, and in this character they assure us that a separate national existence would prove so fortunate to South Carolina that the spectacle of her prosperity would of itself invite and induce the other States to leave the Union and join her.

It is difficult to foresee the consequences which are to result from any radical change of government. England did not anticipate the rule of Cromwell, nor the return of Charles II.; nor did France anticipate the despotism of Napoleon, or the iron yoke of the Holy Alliance, at the commencement of their revolutions. Nor can we, accustomed as we are to our free institutions, realize what will be the state of things in a small State like ours, under rulers who must have at their command a standing army, and, perhaps, a navy. It would be no bold prediction, however, to affirm that our liberties would not be increased under the sway of those passions which have lately been exhibited in our State. Where the counsel of a veteran statesman, who had given his whole soul and energies to the common cause, like Langdon Cheves, is listened to only as an act of courtesy in their own leaders, it is not likely that humbler expostulation would be even tolerated; and it has already been surmised that to dispute by argument even the measures of those who for the time constitute the State, is a political crime. Men who, at the beginning of a revolution, can associate their peaceful fellow-citizens with the horrors of Moscow, are not likely to become more temperate by the increased excitement of its progress.

But passing this by, and assuming that a second Washington will be raised up for us to restrain all extravagancies, let us enter upon the examination of this separate nationality of South Carolina.

The declarations of the officers of the government, together with the activity now manifested at the forts, assure us that secession will not be a peaceful remedy. They intend to hold these forts, if they can, and they intend to consider us as in the Union, notwithstanding our secession. The experience of the past shows that Congress will confirm these views, and will confer on the government all the power necessary to carry them out.

A disturbance of the trade of Charleston, and a removal of its active capital, will be the first visible result. The city of Savannah will complete, in a few months, its connection by railroad with Augusta, and it

is already in full communication with the interior by Macon. The bulk of our business at Charleston is with Georgia, Alabama, and Tennessee. It is a fact no less lamentable than true, that South Carolina contributes a small proportion comparatively to the import trade of Charleston. The merchant, therefore, will meet his customers and supply their wants with just as much facility at Savannah as at Charleston. The distance to the interior is the same, the facilities equal; and the advantage to Charleston now is, that the capital dwells here. A blockade, however, of Charleston, if it be merely on paper, with the port of Savannah wide open, would at once transfer the whole of this trade. Commerce is always timid, and at Savannah no difficulty would exist; at Charleston the ingenuity of our adversaries would create many; and the first act which Congress would pass would fill the Savannah river with our trade.

What, then, would be the condition of our railroads and other public enterprises? In the outset, the transportation of all the trade transferred to Savannah would be lost; and whatsoever should go by railroad to Augusta must stop at the frontier and be entered at some custom-house on the other side, as from a foreign port; and passengers and goods must become subject to all the vexation incident to such visitation.

2. The next effect visible would be upon all the trades and business which depend upon commerce. The occupations of many must absolutely cease within the city; and the business of all must be greatly diminished. And in regard to the country the extent of injury done must depend upon those over whom we have no control. If Congress should choose to take away from Charleston the privileges of a port of entry, or even without doing this should make other ports more advantageous, the rice and cotton of the planter would have to bear these burdens or find their way to Savannah or Wilmington. The disturbance which would thus be produced between banks and factors, between debtors and creditors, would be of a character which I cannot pretend to foresee. A general result, however, of injury and ruin must follow.

3. An immense immigration would take place of all those who would prefer to remove their slaves into the extensive territory of the other States, before the final consummation of the secession scheme should prevent them; and afterwards a corresponding depreciation of slave property from the inability to remove them to the other States, which secession would produce. The foreign demand even now is considered by the brokers as increasing the price to nearly one hundred dollars a head. The destruction of that demand is a proportionate destruction of value to the whole State. For after secession is consummated no negro can be removed from South Carolina to the other States of the Union.

All these difficulties, great as they are, and many more might be cheerfully encountered, were they compensated by the promotion of the public welfare. But when it shall appear that the state of things from which they arise must involve the country in still deeper distress, they become wholly intolerable.

4. For the next evil which we will bring to view, as incident to secession, is one of the greatest and most fatal. We shall have left the Union because of slavery. We shall, therefore, stand out before the world as the great exponent of that institution. At present, as we too well see, the public opinion of the world is hostile to it; and nations are almost banded together for its destruction. By secession we isolate ourselves from those having the same interests; we divide and weaken the South and we stand out alone before that hostile opinion, exposed by our position, and defenceless from our size. Suppose the philanthropists of Europe should undertake to school us by that same schoolmaster who taught the Chinese that opium-eating was no bad thing, provided the opium came from British Colonies—or who taught Kossuth and his companions to learn the principles of government from a Russian horn-book—what would be our condition? The great object of all government is protection; and where the government itself is too feeble to protect from wrong, it falls into contempt; and to us who have hitherto enjoyed the proud privileges of American citizens, no government could command our own respect which could not command the respect of other nations.

5. And if to secure our extensive coast from invasion, or our commerce from insult, or our slaves from capture, we undertook to keep up an army and navy, this would involve us in still more serious difficulties. I am unable to say what amount of expenditure would be required for us under such circumstances. But, judging by other countries, four millions annually would probably be required. Where could even half that amount be procured? At present our taxes are $300,000. If the remainder is to be made up by direct taxes, we can at once see where that would lead. It could not be made up by commerce while the Federal government was disputing our right to secede. As this state of things would certainly last for several years, whence during that time would the means be derived for carrying on the government of South Carolina? According to the plans of the Secessionists we should have hosts of volunteers from other States to assist them. As guests these must be supported, and that too with no stint. According to the army estimate it takes an average of $400 per man to support the establishment, and at this rate 5,000 of these guests would cost us the moderate sum of two millions a year, without any allowance of the proper douceurs and rewards which such defenders might reasonably expect, or might feel entitled to help themselves to; and should we succeed in mastering the power of the United States and establishing

our independence, whence would be derived the revenues necessary to maintain the independent nation of South Carolina? The Secessionists answer, by duties on imports. Then, of course, they do not propose that South Carolina shall be the flourishing emporium of free trade, which others of the Secessionists picture to the people.

If duties are levied on goods imported into South Carolina, only such goods will be imported as will be consumed in South Carolina; for if goods thus imported should attempt to cross the line into the other States the laws of the United States would stop them and exact the duty which is required there. Hence goods imported into Georgia or North Carolina through South Carolina would pay a duty twice, when, if imported by Savannah or Wilmington, they would pay but once. It follows, then, that the whole expenses of our separate nationality must come out of the goods consumed by ourselves, and consequently would bear upon the people exactly as if they were raised by direct taxes. The only difference is the disguise.

But this is not all. A very large portion of the goods consumed by the people of this State pay no duties at all. The tariff operates to raise prices only where there is competition between domestic and foreign supply. But where domestic competition entirely excludes the foreign article and reduces the price below that at which the foreign article could be imported, clear of duty, it is manifest that the duty is a dead letter. Now a very large portion of the consumption of the South is of this character. Shoes, hats, butter, hay, coarse cottons, horses, mules, and thousands of other articles consume millions of dollars of the annual income of the South, and are imported at present into South Carolina without any duty. Do the Secessionists propose to tax these articles? And if not, a very small remnant is left for the operation of their system of duties; so small that it would be hazarding little to say that not a tenth part of the government expenses could be raised by any duty which has been proposed. And if they propose to tax our hats and shoes, and the other thousand articles of daily consumption, which are now free, the beautiful prosperity of their fancied state of secession will have vanished; and they will find, besides all this, our whole frontier converted into smuggling ground to bring into our taxed domains the free goods of the Union which we should have left behind.

But a far more serious difficulty from the army and navy would be the danger already alluded to, which would be offered to the public liberty. In a small State like ours the temptation to use military power would be very great, and it is hardly to be expected that the great officers would all be Washingtons. History has proved that Syllas and Marii and Catilines can always be found. A small State must have a strong government to be efficient, and in so limited a territory the president or lieutenant-general could easily mark that political decimation would become part of the regular system of government.

6. Finally, let me bring to your view that all history concurs in proving that liberty cannot long be preserved in a consolidated republic. The great balance wheels in our system is the check of the State and Federal governments. All our statesmen—and none more earnestly and energetically than that great and good man, Mr. Calhoun—whom South Carolina has so long followed with confidence, have urged upon us the dangers of consolidation. The great outcry in South Carolina against the Federal government for the last twenty years has been its tendency to consolidation. The real cause of its great power for evil, on the subject of slavery, is that it has, in a great degree, become a consolidated government. And here, in the face of all this, we are advised by the Secessionists to set up an actual consolidated government over a small area of 30,000 square miles, without check or balance—with the whole Federal and State powers of the present government in the same hands. If we secede alone we can, of necessity, have but one Legislature and one Executive. Domestic and foreign policy must be guided by the same hands. Patronage and power—the sword and the purse—must all be delivered to the same chief magistrate; and if, under these circumstances, liberty can be preserved in South Carolina, it must be that every public man is an Aristides, and every citizen a Phocion.

What, then, is the course which South Carolina should pursue, and what is the counsel which the Co-operationists offer?

We ask our people to study the history of the American Revolution, and we recommend them to follow its example. Then, as now, a people foreign to our interests and feelings, assumed the right to govern us. The colonies did not break forth into individual action. But they had the constancy and firmness to wait for each other. For more than ten years the zealous and spirited champions of liberty checked their ardor, until even the most tardy had reached conviction. And let not South Carolina forget that so late as the 1st of July, 1776, she was herself not ready for the final blow. It is a historical fact that when the Declaration of Independence was brought up for action on 1st July, it was postponed at the instance of one of her own deputies, in the Congress of 1776, to give him time to persuade some of his colleagues into the measure. That time was given, and South Carolina, with all her representation, is found in her place in that noble company. So, now, let us have the same consideration for our brethren in the South—let us cease our tauntings—respect their feelings, even though they be prejudices, and remember that nullification has done thus much, at least, for South Carolina: it has enabled her to calculate, with unprejudiced eyes, the value of the Union. In all such enterprises as the present, where a great people are called upon to re-model existing institutions, there must be time allowed. There must first be concert of opinion; next concert in council; then follows concert of action. This is the order of nature, and it cannot be reversed. True wisdom counsels us now to take the proper meas-

ures for a concert of opinion at the South. Then let a common council meet, and the result will soon follow in united and efficient action. Then will the South, with her honor untarnished and her institutions secure, stand erect before the world; and if this Union shall still refuse to protect our rights, or acknowledge our equality, then shall we have the will and the means to declare ourselves their enemies in war, in peace their friends; and that declaration will be maintained.

In February of this year, Bishop William Capers, of the Methodist Church, having completed his Episcopal tour through several of the Southern States, returned to his home in Charleston, to find his people in Carolina much exercised by the political discussions then going on. As one devoted to the best interests of his State, he beheld with alarm the progress of a revolutionary spirit, which, in his judgment, threatened the destruction of the State, the ruin of her commercial prosperity, and the social peace of a people to whom he was allied by the holiest and strongest ties of relationship. Under these circumstances he felt it his duty to issue an address to the people of South Carolina. This he did through the Charleston papers.

His address was extensively circulated and republished by the journals in South Carolina and throughout the South. I reproduce this letter here as a companion for the admirable and statesmanlike address of Mr. Memminger, and as a part of the history of these stirring times. The address is taken from the *Charleston Mercury* of February 7, 1851

To my Fellow-Citizens of South Carolina:

I take the liberty of addressing you, through the newspapers, on a subject of a different character from what has hitherto employed me, and I do so the more readily, as my life guarantees my sincerity, and on your part personal good will. It is the first time that I have ever felt it my duty to express publicly an opinion on any matter of State policy. Once, indeed, during the extreme excitement which prevailed in Charleston on the subject of nullifying a law of Congress, I met with the clergy of the city apart, at the instance of some venerable citizens, to consider whether there was anything which we might possibly do, in our sacred character, to promote peace. But it resulted in nothing. We found nothing in our power but our prayers for the people. Ministers of

religion have little to do, at any time, with matters of State, more than to pray for God's guidance and blessing on the people. Nevertheless, ministers are men—are citizens—and it may be expedient once in a life-time of three-score years and more for a minister to appear in his character as a citizen and not as a minister. Suffer me, then, for this one time, to assert my citizenship and commune with you freely on the state of public affairs. I am a citizen, a son of a citizen, born on the soil of South Carolina not long after it had been won in part by the sword of my father.

After an absence of about five months on my sacred duties in Tennessee, Mississippi, Louisiana, Alabama and Georgia, I cannot express how painfully it has shocked me to be told, on my return home, that the great State measures now on foot look solely to secession from the United States by this State alone; that the convention shortly to be held is in order to accomplish this end, and that the only question to be open then is one of time—whether to secede at once, or await the issue of the Southern Congress and then secede.

To secede at once, or at a future time, alone, must be to secede from the other Southern States no less than from the Northern. It must be a putting of the other Southern States in fault—a sort of branding them as deficient in knowledge, or courage, or patriotism, or all these together. They are involved in all respects as we are, touching the injustice of the late acts of Congress. We may not hold ourselves wiser nor better than they are, but as equals only; and they are many, while we are comparatively few. And what, in such circumstances, will be the probable judgment of mankind, respecting our action, should we secede?

If I may place any reliance on what has come under my observation during my long journey through five of the principal Southern States, it is not probable that a Southern Congress, representing the Southern people, can be had at all; nor, if it could be had, that it would do much, if anything, more than the Georgia convention did. As to secession, I have no doubt that three-fourths of the people would oppose it at the present time. The reason of this opposition, I have understood to be, that they do not consider the acts of Congress to be a violation of the Constitution, and, in their opinion, nothing less should justify secession. I understand it to be the opinion of our people of South Carolina that Congress has violated the Constitution. At most, then, it is a mooted point and not a settled fact, we entertaining one view of it, while the majority of the wise and virtuous of other States, greatly outnumbering us, hold the opposite. Do we owe them nothing? Is it not even due our own self-respect to review the matter? Surely we should know that we are right, beyond dispute, before we should proceed to a final act of the most fearful import.

And ought we not to consider consequences? Patriotism demands of us not to run madly on to our country's ruin, and secession by our State alone must prove ruinous. What, though no hostile army may invade our soil, the United States must and will oppose us. Charleston will be shut out from the rest of the world; her commerce perish; her merchants leave her in despair; while from her very suburbs our rice and cotton shall be carried to Savannah and Augusta for a market. Even now the rivalry of Savannah is not to be contemned, but let our State secede from the Union *and Charleston must become a desolation.* Nor will the blight fall on Charleston only, but on all the State; while our taxes increased seven-fold, and the heat of the present agitation cooling off, our very leaders, if they should prove too proud to be found knocking at the door of the Union for admission, shall join the many thousands of our poverty-stricken people in their flight from their ruined homes to more favored parts. Can patriotism demand the sacrifice? Patriotism demand the sacrifice of the State! No; never!

Let us then, fellow-citizens, review our ground. If a convention we must have, let it not be a convention of boys and half-made men, but of the wise and sober-minded. There is no battle to be fought for glory by secession, but a fearful struggle with poverty, high taxes and hard times, without hope of improvement, and great and sore humiliation. And may God grant us deliverance.

(Signed) WILLIAM CAPERS.

Charleston, February 6th, 1851.

CHAPTER VI.

Convention of 1852.

IN pursuance of the act of the Legislature authorising the same, elections were held in October of the year 1851 for delegates to the proposed Congress of the Southern States, and also for delegates to the Convention of the people when the same should be called by the Governor. The Legislature of 1851 fixed the time for the assembly of this Convention on the fourth Monday in April, 1852. In looking over the list of the delegates elected to this most important Convention, it is apparent that the people had selected their "wise and sober-minded" men. It was indeed a notable body, composed of men who, in the State's service, had established their characters for wisdom and moderation, and were honored with the confidence and respect of their fellow-citizens. This Convention is most notable in the history of the State for having very wisely done nothing. Shortly after being convened, on motion of the Hon. Langdon Cheves, a Committee of Twenty-one was raised, to whom was referred the act of the General Assembly entitled "An act to provide for the appointment of Deputies to a Southern Congress, and to call a Convention of the people of this State," with instructions to consider and report upon the same. The president of the Convention announced the following as the Committee of Twenty-one provided for in the resolution:

1. Langdon Cheves.
2. J. P. Richardson.
3. W. B. Seabrook.
4. A. P. Butler.
5. D. E. Huger,
6. R. W. Barnwell.
7. J. N. Whitner.
8. J. J. Evans.
9. D. L. Wardlaw.
10. Edward Frost.
11. B. F. Dunkin.
12. F. H. Wardlaw.
13. B. F. Perry.
14. Maxey Gregg.
15. J. Buchanan.
16. F. W. Pickens.
17. E. Bellinger, Jr.
18. I. W. Hayne.
19. W. W. Harlee.
20. Henry Arthur.
21. Samuel McAliley.

Pending the deliberations of this committee, several resolutions were introduced and debated, and votes taken which clearly indicated that the Conservative or Co-operation party were largely in the majority. On the fourth day of the session the Committee of Twenty-one submitted, through the Hon. Langdon Cheves, the following report:

The Committee of Twenty-one, to whom was referred an act to provide for the election of Deputies to a Southern Congress, and the call of a Convention, with instructions to report thereon, respectfully report that they have considered the subject referred to them, and have concluded to recommend to the Convention the adoption of the accompanying resolution and ordinance:

Resolved by the people of South Carolina in Convention assembled, That the frequent violations of the Constitution of the United States by the Federal government and its encroachment upon the reserved rights of the sovereign States of this Union, especially in relation to slavery, amply justify this State, so far as any duty or obligation to her confederates is involved, in dissolving at once all political connection with her co-States, and that she forbears the exercise of this manifest right of self-government from considerations of expediency only.

An Ordinance to declare the right of this State to secede from the Federal Union.

We, the people of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, That South Carolina, in the exercise of her sovereign will as an independent State, acceded to the Federal Union, known as the United States of America; and that in the exercise of the same sovereign will it is her right, without let, hindrance or molestation from any power whatever to secede from the said Federal Union; and that for the sufficiency of the causes which may impel her to such separation she is responsible alone, under God, to the tribunal of public opinion among the nations of the earth.

To this report there were two minority reports—one by the Unionists, submitted by Hon. Benjamin F. Perry, and one by the Secessionists, submitted by Hon. Maxey Gregg. Mr. Memminger asked leave of the Convention to read a statement of his own opinions, and of those agreeing with him, and moved that it be printed and laid upon the table. Objection was made to printing, but the document was received and laid upon the table.

This statement was in the form of an argument to show that while secession was a right which a sovereign State had, that its exercise was not necessarily one that would not be resisted. He quoted from Mr. Calhoun, claiming that the only just consequence of the State's accession to the Federal Union as a sovereign, was in her right to resume that sovereignty, with all the attributes and all the responsibilities of a sovereign ; and that as a sovereign and independent State South Carolina had entered into a compact with other sovereign States, and that there was a mutual obligation which all were bound to observe and to perform in respecting the rights of each other. He held that the State was the judge of the sufficiency and the justness of the cause which would lead her to abrogate the compact of association, but that the other States, as sovereign parties to the compact, were not of necessity bound or concluded by her judgment, having an equal sovereign right to judge for themselves—and that the justice of the cause alone can make the abrogation of the compact right. There being no rule or law of infallibility, the other States might conclude that the cause was insufficient ; however South Carolina might determine the matter, and if they should so hold, there being no tribunal among sovereigns to which resort might be had for judgment, the other States might, and in his opinion would, resort to means to enforce her to an observance of the compact and to *hinder* her from abrogating it if they could do so. For these reasons secession to Mr. Memminger, and to those who thought with him, meant war, and he was unwilling to move until the State was ready in her resources for such a contingency. The report of the Committee of Twenty-one he approved with this amendment, in lieu of the declaration that the State had the right "*without let, hindrance or molestation*" to secede from the Union. He did not believe, in fact he was assured, that South Carolina was not prepared to meet the consequences of the act, and that the

object desired to be accomplished by secession could only be attained by the united action of all of the Southern States in sympathy with the movement.

This view of the consequences of separate State action is substantially the same as that heretofore placed before the reader in the address delivered at the "Co-operation" meeting in Charleston.

The Secessionists in the Convention were much disappointed by the report of the Committee of Twenty-one. Several amendments and substitutes were offered, but the conservative members of the Convention were largely in the majority, and voted these down in the order in which they were submitted. As an illustration of the temper that pervaded the Secession delegates, I extract from the Journal the following: "Mr. John Bellinger moved to amend the majority report by adding thereto the following ordinance: 'That the Legislature of South Carolina shall have the power, by a vote of two-thirds of both Houses in joint session, accompanied by a notification to the other States, to withdraw the State of South Carolina from the Federal Union.'"

On motion of Langdon Cheves, this amendment was laid upon the table by a vote of 96 ayes to 60 noes. Mr. Robert Barnwell Rhett moved to amend the report of the committee by declaring "that the first clause, second section, of the fourth article of the Constitution of the United States, whereby it is provided that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States, should be rendered null and void within the limits of South Carolina so far as regards the citizens of Massachusetts and Vermont, and it should be the duty of the Legislature by suitable and effective provisions and penalties to debar and exclude the citizens of those States from entering, abiding or holding property within the State after the ratification of this ordinance."

This amendment was rejected by a vote of 112 ayes to 44 noes.

Mr. Adams, as a substitute for the report of the committee, offered the following resolution:

> Resolved, That this Convention having been called to secede from the Union on account of the past aggressions of the Federal government, yielding to the popular vote of October last against that remedy, and not agreeing on any other, do now adjourn *sine die.*

Laid on the table.

Finally, the report of the Committee of Twenty-one was adopted as the action of the Convention by a vote of *one hundred and thirty-six* to *nineteen.*

On motion of the Hon. Langdon Cheves, the Convention then adjourned *sine die,* and was declared dissolved.

Thus ended the Secession Movement of 1850, memorable only as the advance storm-cloud of the revolution that was to burst upon the country in another decade.

At the session of the Legislature for the year 1852, Mr. Memminger was appointed one of the electors for President and Vice-President of the United States, and as such he cast his vote for Franklin Pierce and William R. King. It was at this session that a bill was introduced by Mr. Edward McCrady to charter the Blue Ridge Railroad Company, an enterprise designed to open a more direct communication between Charleston and the Northwestern States. This enterprise received the approval and active co-operation of Mr. Memminger, who was at all times ready to advance any public movement that would, in his judgment, promote the business interests of Charleston and advance the general material interests of the State. In after years he watched with great concern the progress of this railroad, which he justly regarded as a most important commercial highway, bringing Charleston nearer by many miles to the great trading centres of the Ohio and Mississippi valleys than any

railway that had as yet been projected. He advocated granting State aid to the road under such restrictions as would secure the State against loss, and as would enable the management, by prudent administration, to obtain the means necessary for the expensive and difficult work of crossing the Blue Ridge mountains. Unhappily, Mr. Memminger was not permitted to witness the completion of this great enterprise. Either from mismanagement, a want of energetic action on the part of the directors, or deficient engineering skill, or from the disastrous results of the civil war—most probably all of these operating as causes—the road has never been completed beyond the mountains. The great tunnel beyond Walhalla seems to have exhausted all resource of money and energy, and to have proven the grave of this great highway, which at one time promised to make Charleston the great seaport of the South Atlantic. There it ends, amid the wilds of an unproductive mountain region and in a silent recess of the great Appalachian Chain.

Mr. Memminger declined to stand for re-election to the House of Representatives in 1853 and 1854, but was returned as a member for the session of 1855, and resumed his place as chairman of the Committee of Ways and Means—a post of honor and of usefulness he had filled with great credit to himself and benefit to the State for many years. It was at this session that bills were introduced to alter and amend the constitution of the State so as to give the election of the Governor and Lieutenant-Governor to the people, and also to allow the people to vote directly for President and Vice-President of the United States. These officers, by a constitutional provision of the State, thought by some to have been undemocratic, were elected by the Legislature, a measure which caused Mr. Clay once to remark that South Carolina was in form a *Republic*, while the other States were *Democracies*. While these measures were under consideration

in the House, Mr. Memminger presided as chaiman of the *Committee of the Whole.*

The year 1857 is memorable in the history of the United States as one of great financial depression, the result of wild speculations, following upon the discovery of gold in California and the rapid settlement of the Western territories. It was during this year that the word "Panic" came to be applied to the action of the banks and other financial institutions, as well as to those persons who alarmed at certain unforeseen events suspended specie payments, and who in many instances were found to be insolvent when called upon to respond to the demands of their depositors and creditors. This "panic" became widespread, reaching to every section of the country and affecting all branches of business. So general was the feeling of mistrust and so great the depression of trade that the intervention of the Federal and State governments was sought to remedy if possible the cause of the evil and to give relief to the country. In South Carolina, as elsewhere in the United States, some of the banks suspended specie payments, notwithstanding the penalties fixed by law for such an act, and in many instances business establishments were closed and their proprietors forced into bankruptcy. Referring to this unhappy state of affairs, Governor Alston, in his message to the Legislature used the following language :

> Regarding the recent revulsion in finance and the currency, I will not attempt to enumerate its causes, but will venture to direct your attention not so much to the banks as to the system of banking. A system which sanctions the issue of paper money to so large an amount, leading to inflated credits, inflated prices, extravagant habits of living and reckless speculation, may be supposed calculated to produce a crisis sooner or later. The unhappy sinking of a ship with bullion from California, or any event sufficiently exciting to create a momentary panic, was enough to precipitate it. It has had the effect to paralyze the arm of honest industry wherever labor is opposed to capital—to depress the opening market for produce—and to impair the confidence between man

and man. The banks in this State were effected by the common panic, and felt the pressure severely—some of them yielding to its influence, have suspended specie payments. The suspension of specie payments by a bank is a failure to redeem its notes on demand—a forfeiture of its promise to pay in gold or silver, current coin, the full value of every bill issued from its counter—a promise, on which is based the privilege granted by the State to issue bills and to circulate them as currency. However, it may be supposed to afford present relief to the business interests of the country, which, unfortunately are so wound up with the banks as to suffer inevitably from the contraction of their credits and their stringent demands, it is demoralizing in its tendency.

The banks of this State with which I am at all familiar, are well administered. Several of them have bravely withstood the shock, and are prepared to do a legitimate business as usual. All it is believed are solvent. If, however, there be some so dependent on the banks and brokers of New York as to fail in their pledges to the public, when the Northern banks fail, it is their misfortune to have to answer for the sins of others as well as for their own mismanagement. The consequences to the quiet, uninitiated and the laboring community, are alike distrust and loss, leading to want and suffering, too often to moral ruin and crime.

The matter of the suspension of specie payment by the banks being under consideration by the House of Representatives, Mr. Memminger offered the following resolutions :

1. Resolved, That the issue of notes as currency is a privilege granted to the banks upon the implied condition that they will redeem such notes with coin, at the pleasure of the holder; that the failure to perform this condition justly forfeits the privilege, and should deprive the banks of the profits arising from such issues; that the act in relation to suspension of specie payments simply contemplates such privation in the form of a penalty of five per cent. per annum upon the circulation of each suspended bank, and the State should insist upon payment of the same so long as the banks shall continue to refuse payment in specie.

2. That the paying out by the other banks of the notes of the suspended banks is in effect the issue by them of a depreciated currency instead of their own notes, redeemable in coin, and is a plain violation of law, for which proper proceedings should be instituted by the Attorney-General and Solicitors.

3. That the supposed convertibility of bank-notes into coin at the pleasure of the holder has hitherto been relied upon to secure their use as currency, but the suspension now in existence exhibits the failure of this security and renders necessary a resort to increased securities.

4. That one of the chief causes of these convulsions is to be found in the power to expand and contract the currency, which is exercised at pleasure by every bank of issues, and that the first step towards prevention should be to limit or withdraw this power.

5. That a withdrawal of the power would involve the adoption of an entire metallic currency, or a circulation of the bank notes of other States; both of which schemes being obviously impracticable or inexpedient, we are brought to the alternative of providing some efficient checks and limitations to a proper currency.

6. That among these checks one of the most salutary is to be found in a reduction of the amount of paper circulation by filling the channels of trade with the smaller coins, and inasmuch as paper of the same denominations will always displace coin, it becomes necessary to withdraw from circulation bank-notes of the smaller denominations; that to this end all the banks of this State should be required to withdraw from circulation within two years all notes under five dollars, and within three years all notes under ten dollars.

7. That to make this measure more effective it should be proposed to the neighboring States of Georgia and North Carolina to place a like restriction on the issues of their banks.

8. That the proper limitations to a paper currency are such as would attach to it, as early as possible, the essential features of a currency in coin, amongst which the most important are actual exchangeable value and comparative freedom from fluctuation.

9. That the first feature, to-wit, an actual exchangeable value, may be secured by requiring each bank, in addition to the provision requisite to redeem its issues in coin, to deposit as collateral security for their redemption an equivalent amount of public stocks; and the second feature may be secured by limiting the total amount of bank-notes issued to that sum which experience has settled to be the circulation, which, under any circumstances, will remain current in our State; that each bank should be permitted to issue no more than its ratable part of this sum in proportion to its capital, except upon the deposit of coin to an equal amount set apart for the redemption of such increase.

10. That to carry into effect the last mentioned measure, the minimum circulation of the State shall be ascertained as nearly as practicable, and each bank shall substitute for its present issues a new circulation to the extent prescribed by the last resolution, to be countersigned by a proper officer upon the deposit with him of stocks or bonds of this State or the United States, or of the city of Charleston or Columbia, to an equal market value with the new circulation by the bank entitled to the same, which deposit shall be applicable to the redemption of the issues of each bank in addition to the securities already provided by law; and that further issues of bank-notes shall be allowed to any bank,

to be contersigned as above, upon the deposit of an equal amount of coin or bullion with the same depository, pledged for the redemption of such additional issue.

11. That a free competition for the use of money is the proper means for placing at their just value the rates of interest and exchange; that to this end the restrictions now imposed upon the rates of discount and interest charged by the banks should be removed from all actual specie-paying banks, saving that each bank be required to advertise its rates and to charge them uniformly upon all dealers; and also that no bank shall divide more than seven per cent. per annum among its stockholders, reserving besides, if it see fit, a fund not exceeding ten per cent. upon its capital to pay losses and to provide for regular dividends.

These resolutions were subsequently embodied by Mr. Memminger in a "Bill to regulate the issue of bank-bills"; which became a law of the State at this session of the Legislature.

The conservative course pursued by the Convention of 1852 did not in the least check the aggressive spirit of the abolitionists of New England and some other of the Northern States. On the contrary, if it had any perceptible effect, judging from their proceedings, it was but to increase the energy with which they assailed the institution of slavery. The "Free-Soil" Party had not only been formed as a political organization, but year after year it continued to grow with surprising strength, absorbing the old "Liberty Party," and, in fact, uniting in its energetic organization all other political factions having the abolition of slavery as their chief end and determined purpose. The "American Anti-Slavery Society," at Philadelphia, and the "American Abolition Society," at Boston, were used as powerful auxiliaries. Extensive publishing houses, under the auspices of these societies, were sending out an immense number of anti-slavery documents containing the most sensational, and, in the majority of instances, the most exaggerated accounts of the cruelty to which the slaves were subjected, and appealing to the religious sentiment of the people in the most inflam-

matory terms of fanaticism. Under the influence of emissaries sent in various guises from these societies insurrections were encouraged, and a great number of slaves induced to leave their owners and homes to risk the hospitality and benevolent sympathies of their alleged friends amid the snows of New England and Canada. It is estimated that up to 1860 more than thirty thousand slaves had in this way found an asylum in Canada. If pursued, the master was not only maltreated and baffled by the officers of the law, but in more than one instance lost his life, while his slave became the hero of some romantic novelist. Resolutions condemning the institution of slavery as a relic of barbarism, insulting in the extreme to the owners of slaves and to the States who recognized the legal or moral right to hold persons in slavery, were passed by the legislatures of Vermont, Massachusetts, New Hampshire, and by others of the free States. These resolutions, with an audacity which none but a New England fanatic could evince, were sent to the governors and legislatures of the slave States, and scattered broadcast throughout the country. Petitions, by the scores, were sent to Congress from almost every town, village and hamlet in the Northern States bewailing the sinfulness of slavery, and praying Congress to interpose by legislation for its suppression. Governor Adams, in his message to the Legislature of 1855, referring to the resolutions sent to him, says:

I herewith transmit resolutions from the States of Rhode Island and Connecticut. I received certain resolutions from the State of Massachusetts, which I returned to the Governor of that State. Had Massachusetts confined herself to resolutions expressive of her feelings and purposes in relation to slavery, impertinent as I may have regarded them, I would have received them with indifference and transmitted them without comment; but I consider the acts of her late Legislature as an insult and an outrage upon every member of the confederacy, who has a right to demand the enforcement of the fugitive slave act. A State whose Legislature deliberately, unblushingly, impiously violates

her constitutional obligations, and whose people resist the execution of law, even to the shedding of blood, is not entitled to comity from us, and I feel that I would have betrayed the dignity of my trust had I hesitated to affix on such conduct the seal of official condemnation. The interchange of civilities with a people who feel it to be no dishonor to prevent the recovery of stolen property, will hardly reclaim the faithless, and is incompatible with the respect which honesty owes to itself.

The agitation in relation to slavery continues to increase and is rapidly tending to its bloody termination. Measures which it was hoped by some would give quiet to the country, and dignity to its deliberations, have served but to redouble the efforts and augment the power of abolition. Civil war is a direful calamity, but its scourges are to be endured in preference to degradation and ruin. The people of South Carolina are alive to the issue and are mindful of their obligations. They are calm because they are prepared and self-reliant. They have not forgotten their history and they will not fail to vindicate its teachings. The right "to provide new guards for their future security" has been sealed by the blood of their ancestors and it will never be surrendered. Come what may, "they will do their duty and leave the consequences to God."

Again, in his message to the Legislature of 1856, he says:

I have received "resolutions of the Legislature of New Hampshire in relation to the late acts of violence and bloodshed perpetrated by the slave power in the Territory of Kansas and at the National Capital." In the exercise of a discretion which I think rightfully appertains to the Executive department, I decline to lay these resolutions before your honorable bodies. I care not what may be the theory of State intercommunication, I will not submit to be made the medium of transmitting from any quarter an insult to my own State. The Constitution imposes no such duty on the Executive. The usage of the better days of the republic commands my respect, but it cannot reconcile me to acts of courtesy to those who would gloat in seeing the torch applied to our dwellings and the knife to our throats.

Later on, in the year 1859, referring to the resolutions sent to him, Governor Alston uses the following language:

Herewith I transmit resolutions from the Legislatures of certain States of the Confederacy. Those from New York and New Jersey relate to the Lighthouse Board and to certain provisions for the relief of persons and property shipwrecked on the coast; those from Texas, expressing sentiments of common interest to our citizens, will command your attention; those from New England denounce, as usual, our sys-

tem of domestic slavery, together with the late decision of the Supreme Court. This species of agitation, sectional and disorganizing, proceeds from persons who seem to be incapable of entertaining just sentiments towards their neighbors, the people of the Southern States. True liberty consists in the will and the power to perform our duty to God and to our neighbor. His service is only perfect freedom. The members of a Legislature who can thus resolve to desecrate the name of freedom and pervert its meaning, by harboring such feelings towards their neighbors who sanction and cherish African slavery as a domestic institution, inherited from their fathers, expose themselves to the imputation of being faithless to the Constitution from the preamble of which they quote. The resolutions do not merit a response on your part. "One of the expedients of party to acquire influence in their particular districts is to misrepresent the opinions and aims of other districts."

In the meantime the celebrated case of Dred Scott versus Sanford was before the Supreme Court of the United States on appeal from the Circuit Court of Missouri. Dred Scott, who was held as a slave in Missouri, brought suit to recover his freedom, claiming this freedom on the ground that he had been brought into territory made free by the act of Congress, commonly known as the "Missouri Compromise." No case that had been brought before the Supreme Court created more comment at the time, or produced more excitement, when the decision of the court was announced. Chief-Justice Taney, in an elaborate opinion, reviewed the whole question raised by this case. He held "that for more than a century previous to the adoption of the Declaration of Independence negroes, whether slaves or free, had been regarded as being of an inferior order, and altogether unfit to associate with the white race either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect." The court also, in this case, considered the question as to whether Congress had the right to exclude slavery from the territories of the Union, and denied the power. This decision exasperated the abolitionists and excited them to greater extremes than

ever before in their fanatical zeal. The fugitive slave law was made practically a nullity. No court at the North would enforce it, and no man's life was safe from mob violence who would attempt by force to recover his fugitive slave.

Thus, as the years passed by, the estrangement between the sections, North and South, grew more and more decided. The discussions in the Senate on the Kansas-Topeka Constitution served only to increase the bitterness of feeling between the sections, while the partisan collisions in the Territories greatly inflamed the passions of the people at the North and in the South. Following the desperate attempt of John Brown, a zealous abolitionist, to incite the negroes to insurrection at Harper's Ferry, in Virginia, came the conventions of the several political parties to nominate candidates for the Presidency of the United States. Thus had the aggressive spirit of the abolitionists aroused the spirit of the Southern people, and thus had they been stimulated to resist the encroachments made upon their rights of property by an open and declared foe when the season arrived for the assembling of their legislatures.

Referring to the Federal relations of the State of South Carolina, Governor Gist, in his message to the Legislature of 1859, thus presents the state of affairs :

Admonished by the action of the Legislature in relation to certain resolutions which were returned without comment to the State from whence they came by one of my predecessors, I herewith transmit certain resolutions from the State of Vermont, affirming the right of Congress to exclude slavery from the territories of the United States, and expressing the opinion that it is the duty of Congress to exercise this right; and that Vermont will continue to resist the admission of new slave states into this Union, and will seek the abolition of slavery at the National Capital. Also asserting that the decision of the Supreme Court in the Dred Scott case, has no warrant in the Constitution, and is not binding upon Vermont or the people of the United States. These resolutions not only embody the opinions of Vermont, but of all the non-slave-holding States; and the signs of the times clearly indicate an approaching crisis in the destinies of the South. The war so relent-

lessly urged against our institutions has assumed a form so menacing that none but those who are willfully blind can fail to see the dangers that surround us, and the perils to which we are exposed. A small party at the North, numbering at first only a few fanatics, has assumed gigantic proportions; and with very few exceptions, the entire Northern people are arrayed against us, and pledged to our destruction. Not satisfied with the slow but certain measures in progress to reduce us to worse than colonial vassalage, by refusing to admit slave States into the Union—by the establishment of underground railroads to assist our negroes to escape from our service—by prohibiting us from carrying our slaves into the common territories, and by every other conceivable means, they have actually crossed the Rubicon—attempting to instigate our slaves to insurrection, and furnished them with arms to murder us on Southern soil. Harper's Ferry is the truthful illustration of the first act of the drama to be performed on a Southern theatre, and if the South does not now unite for her defense, we will deserve the execration of posterity, and the blood that has been shed will bear a disgraceful and humiliating record against us. The intention of the North is as clearly evinced by the action of the few, and more especially when that action is ratified and approved by the press and people of the non-slaveholding States, as if they had sent forth their multitudes in the treasonable and incendiary attack upon the South. Can we then any longer talk about moderation and conservatism, and statesmanship, and still hug the delusive phantom to our breast that all is well, and that the Democratic party, upon whom we have too confidently relied, will work out our salvation by platforms and resolutions? As well might we rely upon a paste-board barque to protect us from ocean storms. South Carolina should be careful not to commit herself, directly or indirectly, to any presidential aspirant and be forced by party trammels to support a party nominee. An open and undisguised enemy is infinitely preferable to a pretended friend, and we should scorn the alternative of a choice of evils, as being but the poor privilege of a slave to choose a master. We have sunk very low, indeed, if our liberties are to depend upon the fortunate selection of a candidate for the presidency, who on account of his popularity or his mysterious manner of expressing his opinions, makes himself acceptable to both sections, or is what is generally termed available.

It is unbecoming a free people to stake their liberties upon the successful jugglery of party politicians and interested office-seekers, rather than a bold and determined resolution to maintain them at every hazard. In the eloquent language of our own McDuffie, to whom were universally accorded honesty, patriotism and disinterestedness, "Let us cherish and preserve the reputation we have nobly acquired, as the Romans did their vestal fire. Let no statesman of South Carolina tarnish

her glorious escutcheon by enlisting as a partisan under the banner of any of those political chiefs who are grasping at the Presidential scepter. The political principles and peculiar institutions of the State may be sold and sacrificed, but most assuredly they can never be preserved by such degrading partisanship. South Carolina, and all the States having similar institutions, must not put their trust in presidents; but look to their own power and principles for the security of their rights and institutions. They are in a permanent minority on all questions affecting those rights and institutions, and whoever may exercise the powers of the Chief Magistracy, they will be exercised in obedience to the will of the adverse majority." What, then, it may be asked, should South Carolina do in view of the crisis now approaching (and, in my opinion, fearfully near), to save her institutions from destruction and afford safety and security to her people? Would to God I were able to give a satisfactory answer to this momentous question, and thus be the humble instrument to avert the impending danger; but I must confess my utter inability to point out the path of honor and safety, in the midst of the difficulties that surround us. With an united South our course would be clear, and our future glorious; we could enforce equality in the Union, or maintain our independence out of it. If, as I solemnly believe, we can no longer live in peace and harmony in the Union—notwithstanding the associations of the past and the remembrance of our common triumphs (being treated as enemies and aliens, rather than brethren of the same family, and heirs of the same inheritance, by the North), we can form a confederacy with ability to protect itself against any enemy, and command the respect and admiration of the world. This proud position is only to be obtained by a strict adherence to law and duty; and while South Carolina insists on the other States carrying out their constitutional obligations, she should be careful to do her whole duty, and carry out in good faith all her obligations to her sister States and the Federal government, by discouraging all attempts to evade the laws, under any pretence whatever. While in the Union we should comply with all the laws of Congress until they are pronounced unconstitutional by the Supreme Court, or our people are released from their binding obligations by the constituted authorities of the State; and it would be an arrogant assumption on the part of individuals to set up their opinions of the constitutionality of a law as their rule of action. We should not imitate the example of the North in setting up a "higher law," but retain the proud position we have always occupied, and it will give self-satisfaction, an approving conscience, and moral power to achieve victory. In preparing for any emergency that may arise, I would respectfully recommend you, at an early period, to take such measures as, in your wisdom, you may deem proper and expedient to obtain the co-operation of the Southern States in concerted action

in defense of our institutions, whenever they may be put in jeopardy by all the departments of the government passing into the hands of our enemies. The election of a black Republican President will settle the question of our safety in the Union; and although the forms of the Constitution may be complied with, its vital principle will be extinguished, and the South must consent to occupy an inferior and degrading position, or seek new safeguards for her future security. Let South Carolina exhaust every means to get the co-operation of the Southern States in this vital and important movement, yielding everything but principle for that purpose, prepared to follow any lead in resistance, but she should never forget that she is a sovereign and an equal—that by her sovereign act she created the relationship of the State that now exists in the Federal Union, and that she has a clear and unquestionable right to resume her position as a sovereign in the family of nations.

Relying confidently upon a just God, who has hitherto dealt so kindly with us as a State, to sustain us in the trying emergency we may be called to pass through, let us in all sincerity invoke a continuance of His favor and support.

Several resolutions and reports from special committees were presented with regard to the Federal relations of the State, and were for some time under discussion. As a substitute for them all, and as embodying in substance their general sense, Mr. Memminger offered the following resolutions:

Whereas, the State of South Carolina, by her ordinance of 1852, affirmed her right to secede from the confederacy whenever the occasion should arise justifying her, in her own judgment, in taking that step; and in the resolution adopted by her Convention, that she forebore the immediate exercise of that right from considerations of expediency; and, whereas, more than seven years have elapsed since that Convention adjourned, and in the intervening time the assaults upon the institution of slavery, and upon the rights and equality of the Southern States have unceasingly continued with increasing violence, and in new and more alarming forms: be it, therefore,

Resolved, unanimously, That South Carolina, still deferring to her Southern sisters, nevertheless respectfully announces to them that it is the deliberate judgment of this General Assembly that the slave-holding States should immediately meet together to concert measures for united action.

Resolved, unanimously, That the foregoing preamble and resolutions be communicated by the Governor to all the slave-holding States, with

the earnest request of this State that they will appoint deputies and adopt such measures as, in their judgment, will promote the said meeting.

Resolved, unanimously, That a special committee be appointed by his Excellency, the Governor, to communicate the foregoing preamble and resolutions to the State of Virginia, and to express to the authorities of that State the cordial sympathy of the people of South Carolina with the people of Virginia, and their earnest desire to unite with them in measures of defense.

Resolved, unanimously, That the State of South Carolina owes it to her own citizens to protect them and their property from every enemy, and that, for the purpose of military preparation for any emergency, the sum of one hundred thousand dollars be appropriated for military contingencies.

The resolutions were immediately considered and unanimously adopted; the vote being 119 to 0.

In compliance with the provisions of these resolutions, Governor Gist appointed Mr. Memminger as Commissioner from South Carolina to the State of Virginia.

The selection of Mr. Memminger was universally approved in South Carolina. His conservative views, dignified and conciliatory spirit, thorough knowledge of the questions to be considered, and the universal respect for his spotless personal character, gave him an approach to the people of Virginia, through their General Assembly, that but few men from the extreme South could have secured. As an evidence of the appreciation of Mr. Memminger's worth as a statesman and a citizen, I present the following extract from the *Richmond Examiner* of January 3, 1860, with this remark, that an editorial endorsement of a leading metropolitan journal in those days was nearer the highest standard of social and intellectual values (erected in Southern journalism) than it has been known to be since, unhappily for the ethics of the press:

Pursuant to these resolutions, Governor Gist, of South Carolina, has appointed Col. C. G. Memminger a Commissioner on behalf of that State to express to the authorities of this State the cordial sympathy of the

people of South Carolina with the people of Virginia and their earnest desire to unite with them in measures of defense. The resolutions in question have evidently and prominently for their object the speedy and united action of the slave-holding States for concert of action and mutual protection against Northern aggression. Such resolutions, emanating from the Legislature of a chivalrous, noble and gallant State like that of South Carolina, will doubtless receive the most respectful and earnest attention from the Governor and Legislature of Virginia.

The Commissioner selected by the Governor of South Carolina to carry out the important duties assigned to him by the above resolutions will reach Richmond in a few days, and merits, as he will doubtless receive, the most distinguished attention of the Legislature. He should, as a matter of course, be received as the guest of the State, and an invitation extended to him to address the Legislature upon the important object of his mission.

Colonel Memminger has for many years been esteemed the most accomplished and able member of the South Carolina Bar, and, although avoiding political office, has for nearly thirty years played a conspicuous part in the politics of South Carolina. He has, since the days of nullification, been regarded as the leader of the Conservative party of his State, and his career as a politician is briefly and correctly stated by the *Charleston Courier*, when it says that Colonel Memminger "has been a champion foremost among those who, advocating resistance and effectual remedies for the evils too long endured by the South, have yet steadily opposed and rejected secession." He is, we learn, the author of the above resolutions, which show that the most conservative of South Carolina's statesmen are now rife for resistance to the violence and lawless fanaticism of the free States. Colonel Memminger is the fourth instance of the appointment of an ambassador by a Southern State to consult with the authorities of a sister State. Kentucky, many years ago, appointed Henry Clay and Chancellor George M. Bibb Commissioners to Virginia, pending certain disputes between Kentucky and Virginia, and Virginia sent Benj. Watkins Leigh to South Carolina as a Commissioner pending the great excitement during the days of nullification.

No one could have more highly appreciated the honor conferred upon him by the Governor of South Carolina, or have realized more fully the responsibility of the high trust delegated to him, than did Mr. Memminger. His mission to Virginia being made publicly known, at once excited the deepest interest throughout the entire country. The "grand old mother of states and statesmen" was justly regarded,

in the chivalric spirit of her citizenship and in the philosophic cast of her statesmen, as the source from whence sprang the noblest sentiments of patriotism, and the wisest and truest expressions of the political relations existing between the Federal and State governments.

"What course will Virginia pursue?" was the question every one asked, and the answer was awaited from Maine to Texas with the greatest interest. The representatives and senators from South Carolina in the Federal Congress, and many persons prominent in the public service, and yet others of equal virtues, who were but private citizens, addressed letters to Mr. Memminger urging him to pursue such a course as in their several judgments were believed by them to be the most apt in bringing about the results they desired. I find quite a number of these letter preserved among the private correspondence of Mr. Memminger, but as they were never written with the view of being made public, I do not consider that even his literary executor should invade the confidence that has held them so long in the quiet of an honorable resting place. I prefer to leave such piracy to the *Trentian* taste of that class of publicists who are at best but the jackalls of our American literature.

Before leaving his home for Virginia, Mr. Memminger addressed the following letter to the Governor of that State:

CHARLESTON, January 9, 1860.

His Excellency, John Letcher:

DEAR SIR,—The Governor of the State of South Carolina has appointed me Special Commissioner to communicate to the State of Virginia certain resolutions adopted by the General Assembly of South Carolina in consequence of the recent outrage upon the soil of Virginia, and to express the cordial sympathy of the people of South Carolina with the people of Virginia, and their earnest desire to unite with them in measures of common defense.

I take occasion respectfully to inform your Excellency that, in discharge of this duty, I shall immediately proceed to Richmond, where I hope to arrive on Thursday evening the 12th instant.

With much respect, your obedient servant,

C. G. MEMMINGER.

The *Richmond Dispatch*, in publishing this letter, says:

The Southern train, which arrived at half-past six o'clock last night, brought Colonel Memminger and his daughter, for whom rooms had been taken at the Ballard House. Colonel Memminger was met at the cars by the joint committee of the General Assembly appointed to receive him as the guest of the State, and conducted to the hotel. He will, we learn, address the Legislature in the hall of the House to-night on the subject of his mission.

Arrived at Richmond and escorted to his elegant domicile at the Ballard House, his first official act was to address the following letter to Governor Letcher:

RICHMOND, January 14, 1860.

His Excellency John Letcher, Governor of the State of Virginia :

DEAR SIR,—I have the honor to communicate to you the accompanying resolutions which were unanimously adopted by the General Assembly of South Carolina on the 22d day of December last.

The State of South Carolina has felt with the deepest concern the indignity offered to the State of Virginia, and regards it as a blow aimed equally at herself. Her people desire to express their cordial sympathy with the people of Virginia, and to unite with them in measures of common defense; and they have honored me with the charge of communicating their sentiments.

Permit me, therefore, respectfully to request of your Excellency to indicate the manner in which it will be most acceptable to the authorities of Virginia that I should proceed to discharge the duties entrusted to me.

With highest consideration and respect, I am your obedient servant, [Signed] C. G. MEMMINGER.

This official communication was at once brought to the attention of the Legislature of Virginia, then in session, by the Governor. In answer Mr. Memminger was invited to address the General Assembly of Virginia upon the subject of his mission. In every way that the thoughtful discretion of a cultivated people could suggest he was made the recipient of the most delicate attention, and of that unstinted hospitality for which Virginians have been always distinguished.

The address of Mr. Memminger to the General Assembly of Virginia fully met the expectations of those who had delegated to him the honorable and responsible duty of representing South Carolina, and was equally pleasing to the Virginians, among whom the high character and abilities of Mr. Memminger was now fully known and appreciated.

I present this address in full. It is a state paper of great interest, worthy to rank with the best efforts of our most illustrious statesmen.

RICHMOND, January 21, 1860.

Sir,—We have the honor to enclose to you the accompanying resolution, unanimously adopted by both houses of the General Assembly.

Permit us to add our personal solicitation for a compliance, on your part, with the wishes of the General Assembly.

We have the honor to be, with high consideration, your obedient servants,

RO. L. MONTAGUE, President of the Senate.
O. M. CRUTCHFIELD, S. H. D.

Hon. C. G. Memminger.

Resolved by the General Assembly, That the Hon. C. G. Memminger, Commissioner from the State of South Carolina, be requested to furnish for publication the address delivered by him to the General Assembly on his reception by them, and that ten thousand copies be printed for circulation among the people of the State.

Agreed to by House of Delegates, January 20, 1860.

WM. P. GORDON, JR., C. H. D.

Agreed to by Senate, January 21, 1860.

SHELTON C. DAVIS, C. S.

RICHMOND, January 27, 1860.

Gentlemen,—In pursuance of the request of the General Assembly, I herewith respectfully communicate to you, as nearly as I can recall the same, the address delivered by me before the Assembly on the 19th inst.

I would ask leave to tender to the Assembly my respectful acknowledgments of the honor done me in making the request, and to yourselves, gentlemen, my assurance of high consideration.

With much respect, your obedient servant,

C. G. MEMMINGER,
Commissioner of the State of South Carolina.

Hon. R. L. Montague, President of the Senate.

Hon. O. M. Crutchfield, Speaker of the House of Delegates of the General Assembly of Virginia.

ADDRESS.

Mr. Speaker and Gentlemen of the General Assembly of Virginia :

When the Athenian orator ascended the bema, before the constituted authorities of his country, it was his custom to invoke the blessing of the gods upon the deliberations of the assembly. If those who worshiped an unknown god so anxiously sought his aid, how much more earnestly should we, to whom that God has been revealed as a Son of Righteousness, with healing in his wings, invoke his assistance upon so momentous an occasion as the present. Most humbly, therefore, do I now beseech His presence in this Assembly, that He may condescend to aid the speaker to discharge aright the important trust confided to him, and to guide the hearers to that result which will advance the best interests of our Southern country.

Before I enter upon the important matter which we are this day to consider, permit me, in the name of the State which I have the honor to represent, to return to his Excellency, the Governor, and to all the now assembled authorities of Virginia, my profound acknowledgment of the courtesy and kindness with which I have been received. The public demonstration of respect and consideration which you have been pleased to exhibit could only be exceeded by the courteous hospitality with which I have been welcomed in private. If my mission should attain no higher results, it will at least show to the world that the States of this Union have a separate and distinct vitality; that they realize the great fact that they may confer with each other to maintain their mutual rights and interests; and, besides all this, I can confidently affirm that such an interchange of kindly feeling as you have exhibited cannot fail to bind together the hearts of our people in closer ties of sympathy and fellowship.

The objects of my mission are set forth in the resolutions of which I am the bearer to this Commonwealth. I respectfully ask leave to have them read:

"Whereas, the State of South Carolina, by her Ordinance of A. D. 1852, affirmed her right to secede from the confederacy whenever the occasion should arise justifying her, in her own judgment, in taking that step; and in the resolution adopted by her convention declared that she forebore the immediate exercise of that right from the considerations of expediency only;

"And, whereas, more than seven years have elapsed since that convention adjourned, and in the intervening time the assaults upon the institutions of slavery, and upon the rights and equality of the Southern States, have unceasingly continued with increasing violence and wider and more alarming forms; be it, therefore,

"1. Resolved, unanimously, That the State of South Carolina, still deferring to her Southern sisters, nevertheless respectfully announces to them that it is the deliberate judgment of this General Assembly that the slave-holding States should immediately meet together to concert measures for united action.

"2. Resolved, unanimously, That the foregoing preamble and resolution be communicated by the Governor to all the slave-holding States, with the earnest request of this State that they will appoint deputies and adopt such measures as in their judgment will promote the said meeting.

"3. Resolved, unanimously, That a special commissioner be appointed by his Excellency the Governor to communicate the foregoing preamble and resolutions to the State of Virginia, and to express to the authorities of that State the cordial sympathy of the people of South Carolina with the people of Virginia and their earnest desire to unite with them in measures of common defense."

Three distinct objects are presented by these resolutions. They direct me—

1. To express to the authorities of Virginia the cordial sympathy of the people of South Carolina with the people of Virginia in the trial through which they have lately passed.

2. To express our earnest desire to unite with you in measures of common defense.

3. To request a conference of the slave-holding States and the appointment of deputies or commissioners to the same on the part of Virginia.

The expression of our sympathy is most grateful to our own feelings. Whilst in common with the rest of the Union, we feel our obligation for the large contribution of mind and effort which Virginia has made to the common cause; we of South Carolina are more largely indebted to her for manifestations of particular concern in our welfare, which I shall presently notice. We had supposed that her large contributions to the Union had secured to her the respect and affection of every State of the confederacy. Certainly there is no State to whom more kindly feelings are due. Her statesmen and soldiers had devoted their lives to the service of the country, and their honored remains now hallow her soil. There was the tomb of the Father of his Country. There lay the ashes of Patrick Henry, and of Jefferson, and of Madison, and of a host of others, whose names had given lustre to our country's glory, and the fruit of whose labors was the common inheritance of North and South; and yet all this could not preserve her from the invasion of her soil, the murder of her citizens, and the attempt to involve her in the horrors of servile and civil war. That very North, to whom she had surrendered a territorial empire—who had grown great through her generous confi-

dence—sent forth the assassins, furnished them with arms and money, and would fain rescue them from the infamy and punishment due to crimes so atrocious.

To estimate aright the character of the outrage at Harper's Ferry we must realize the intentions of those who planned it. They expected the slaves to rise in mass as soon as the banner of abolition should be unfurled. Knowing nothing of the kindly feeling which exists throughout the South between the master and his slaves, they judged of that feeling by their own hatred, and expected that the tocsin which they sounded would at once arouse to rebellion every slave who heard it. Accordingly they prepared such arms as an infuriate and untrained peasantry could most readily use.

They also expected aid from another element of revolution. They did not believe in the loyalty to the government of Virginia of that part of her population which owned no slaves. They seized upon the armory, and they expected help from its operatives, and from the farming population; and to gain time for combining all these elements of mischief, as they conceived them to be, they seized upon a pass in the mountains well adapted to their purpose. For months had they worked with fiendish and unwearied diligence, and it is hazarding little to conjecture that the banditti, who had been trained in Kansas, were in readiness to obey the summons to new scenes of rapine and murder as soon as a lodgment were effected.

Is it at all surprising that a peaceful village where no sound of war had been heard for half a century should be overcome for the moment at midnight by so unexpected an inroad? The confusion which ensued was a necessity; and it can only be ascribed to the superintendence of a kind Providence that so few innocent lives were sacrificed. It is indeed wonderful that none of the hostages seized by these banditti should have suffered from the attacks which their friends were obliged to make, and that at so early a period the inhabitants recovered from their amazement and reduced their assailants to the five who were entrenched within the brick walls of the engine-house.

The failure to accomplish their purpose cannot lessen its atrocity; neither can their erroneous calculations as to the loyalty of their citizens of the State, or of the slaves to their masters, lessen the crime of these murderers; and they have justly paid the forfeit of their lives. But such a forfeit cannot expiate the blood of peaceful citizens, nor restore the feeling of tranquil security to the families which they have disturbed. The outraged soil of Virginia stands a witness of the wrong, and the unquiet homes which remain agitated along her borders, still call for protection; and as an affectionate mother, the State feels for her children, and is providing that protection. The people of South Carolina cordially sympathize in all these feelings. They regard this

outrage as perpetrated on themselves. The blow that has struck you was aimed equally at them, and they would gladly share in all its consequences, and most of all in the effort to prevent its recurrence in the future.

In this desire they are influenced not only by a sense of common danger, but by the remembrance of former kindness exhibited towards South Carolina by the State of Virginia in a day of trial.

In the year 1833 when South Carolina had nullified an unconstitutional tariff imposed by the Federal government, and was taking measures to maintain her position at every hazard, the State of Virginia actuated by the kindliest and most honorable feelings, adopted the following resolutions:

"Resolved by the General Assembly in the name and on behalf of the people of Virginia, That the competent authorities of South Carolina be, and they are hereby, earnestly and respectfully requested and entreated to rescind the or dinance of the late Convention of that State, entitled 'An ordinance to nullify certain acts of the Congress of the United States, purporting to be laws laying duties and imposts on the importation of foreign commodities;' or at least to suspend its operation until the close of the first session of the next Congress.

"Resolved, That the Congress of the United States be, and they are hereby, earnestly and respectfully requested and entreated so to modify the acts laying duties and imposts on the importation of foreign commodities, commonly called the tariff acts, as to effect a gradual but speedy reduction of the resulting revenue of the general government to the standard of the necessary and proper expenditures for the support thereof.

"Resolved, That this House will, by joint vote with the Senate, proceed on this day to elect a Commissioner, whose duty it shall be to proceed immediately to South Carolina and communicate the foregoing preamble and resolutions to the Governor of that State, with a request that they be communicated to the Legislature of that State, or any convention of its citizens, or give them such other direction as in his judgment may be best calculated to promote the objects which this Commonwealth has in view; and that the said Commissioner be authorized to express to the public authorities and people of our sister State, in such manner as he may deem most expedient, our sincere good will to our sister State, and our anxious solicitude that the kind and respectful recommendations we have addressed her, may lead to an accommodation of all the differences between that State and the general government."

Mr. Leigh repaired to South Carolina, and on presenting his credentials was informed by the Governor that the ordinary authorities of the government had no jurisdiction of the subject of his mission, inasmuch

as the ordinance of nullification had been passed by a Convention of the people. The following extracts from the correspondence will exhibit what took place:

[Extract from letter of Hon. B. W. Leigh, Commissioner of Virginia, to His Excellency Robert Y. Hayne, Governor of South Carolina.]

"CHARLESTON, February 5, 1833.

"I have now therefore to request your Excellency to communicate the resolutions of the General Assembly of Virginia, and this letter also to the president of the Convention, confidently hoping that that officer will not refuse or hesitate to re-assemble the Convention, in order that the resolutions of the General Assembly may be submitted to it, and that the Convention may consider whether and how far the earnest and respectful request and entreaty of the General Assembly shall and ought to be complied with."

[Extract from a letter of James Hamilton, Jr., to His Excellency Robert Y. Hayne, Governor of South Carolina.]

"CHARLESTON, February 6th, 1833.

"In reply to the reference which you have made to me, as president of the Convention of the people of South Carolina, consequent on the application on the part of that gentleman for the meeting of that body, I beg leave to communicate to him, through your Excellency, that, appreciating very highly the kind disposition and the patriotic solicitude which have induced the highly respectable Commonwealth which he represents to interpose her friendly and mediatorial offices in the unhappy controversy subsisting between the Federal government and the State of South Carolina, I should do great injustice to those dispositions on her part, and, I am quite sure, to the feelings of the people of South Carolina, if I did not promptly comply with his wishes in reference to the proposed call."

In compliance with Mr. Leigh's request, the Convention was reassembled. The mediation and request of Virginia was communicated. Her interference with the Federal government, the other party to the controversy, had led to the modification of the tariff, and the result with South Carolina was a repeal of the ordinance of nullification, and the adoption by the Convention of the following resolutions:

"Resolved, unanimously, That the president of this Convention do communicate to the Governor of Virginia, with a copy of this report and these resolutions, our distinguished sense of the patriotic and friendly motives which actuated her General Assembly in tendering her mediation in the late controversy between the general government and the State of South Carolina, with the assurance that her friendly councils will at all times command our respectful consideration.

"Resolved, unanimously, That the president of this Convention likewise convey to the Governor of Virginia our high appreciation of the able and conciliatory manner in which Mr. Leigh has conducted his mission, during which he has afforded the most gratifying satisfaction to all parties, in sustaining towards us the kind and fraternal relations of his own State."

The other incident in the relations of the two States, to which I would ask your attention, occurred in 1851. Four years before both States had passed resolutions declaring that they would not submit to the Wilmot proviso. In 1849 Virginia had added to her declaration of 1847 that she would also resist the abolition of the slave trade in the District of Columbia. South Carolina concurred entirely in the sentiments of Virginia, and prepared to defend the position which had been taken, and which she supposed was the common position of the whole South

The compromise measures adopted by Congress in 1850, so far from being satisfactory, in her judgment aggravated the injury. She regarded the admission of California, with a Constitution prohibiting slavery, as in effect an enactment of the Wilmot proviso; and the slave trade in the District of Columbia had been expressly prohibited by one of the compromise acts of Congress. With these views South Carolina proceeded to arm her people, and made the requisite arrangements for calling a Convention to secede from the Union, or to adopt such other measures as the safety and welfare of the State might require.

In December, 1851, the Legislature of Virginia adopted the following resolutions:

"Whereas, the Legislature of the State of South Carolina has passed an act to provide for the appointment of delegates to the Southern Congress, 'to be entrusted with full power and authority to deliberate with the view and intention of arresting further aggression, and, if possible, of restoring the constitutional rights of the South, and if not to recommend due provision for their future safety and independence,' which act has been formally communicated to this General Assembly:

"1. Be it therefore resolved by the General Assembly of Virginia. That whilst this State deeply sympathizes with South Carolina in the feelings excited by the unwarrantable interference of certain of the non-slave-holding States with our common institutions; and whilst diversity of opinion exists among the people of this Commonwealth in regard to the wisdom, justice and constitutionality of the measures of the late Congress of the United States, taken as a whole, and commonly known as the Compromise measures, yet the Legislature of Virginia deems it a duty to declare to her sister State of South Carolina that the people of this State are unwilling to take any action in consequence of the same calculated to destroy the integrity of this Union.

"2. Resolved, That regarding the said acts of the Congress of the United States, taken together, as an adjustment of the exciting ques-

tions to which they relate, and cherishing the hope that if fairly executed they will restore to the country that harmony and confidence which of late have been so unhappily disturbed, the State of Virginia deems it unwise, in the present condition of the country, to send delegates to the proposed Southern Congress.

"3. Resolved, That Virginia earnestly and affectionately appeals to her sister State of South Carolina to desist from any meditated secession upon her part, which cannot but tend to the destruction of the Union, and the loss to all of the States of the benefits that spring from it."

I have introduced this history in no spirit of fault-finding, and with no intention to reflect in the least degree upon the action of Virginia. She had a perfect right, as a sovereign State, to accept the Compromise of 1850; and having accepted it, she was not bound to justify herself except at her own pleasure. South Carolina had an equal right to refuse the Compromise and to take action to make good such refusal. But the kindly feeling which existed between the two States induced Virginia to pass the resolutions of 1851. A reciprocal feeling influenced South Carolina; and many of her citizens, influenced by the action of Virginia, proceeded to canvass the State, and persuaded the people to abandon the idea of separate secession. The South Carolina Convention met in 1852; and although a majority had been elected of those who were in favor of secession, that majority gave way to the popular will, and all parties united in asserting the right, but desisting from the act of secession.

Thus a second time did a Convention of the people of South Carolina accede to the request of Virginia. Seven years have since elapsed, and instead of that returning sense of justice among the Northern people which you doubtless expected, "the assaults upon the institution of slavery and upon the rights and equality of the Southern States have unceasingly continued, with increasing violence, and in new and more alarming forms," until now at length the voice of a brother's blood cries to us from the ground; and South Carolina, moved like yourselves by that cry, offers her sympathy and proposes a conference; and "earnestly requests of Virginia that she will appoint deputies, and adopt such measures as in her judgment will promote the said meeting."

South Carolina, however, does not expect, neither would she desire you to do what your judgments do not approve. She feels well assured that under existing circumstances, such a conference is the best step which can be taken; and I cannot better discharge the duty entrusted to me than in presenting to your consideration the reasons which lead to this conclusion. To an audience so intelligent as that which now honors me with its attention, I can scarcely advance anything new; but it will lead to a just conclusion if we refresh our memories as to some material incidents of the past.

The great question which underlies all action on this subject, is, whether the existing relations between the North and the South are

temporary or permanent; whether they result from accidental derangement of the body politic, or are indications of a normal condition? In the one case, temporary expedients may restore soundness; in the other the remedy is either hopeless, or it must be fundamental and thorough.

In these respects, the invasion at Harper's Ferry is a valuable exponent. It furnishes many indications by which we may ascertain the actual condition of things. It is sort of a nilometer by which we can measure the height of the flood which is bursting over the land. By the Providence of that God who preserved your people from the knife of the assassin, you were enabled not only to defeat and capture your enemies, but to get possession of arms and documents which expose the design and plan of the assailants. You find that months must have elapsed in maturing their plans; that arms were manufactured, the design of which could not be mistaken; that large sums of money must have been collected. It is certain, therefore, that many persons must have known that such a blow was intended; and yet who spoke? Who gave a single friendly warning to Virginia? One voice indeed indistinctly uttered to the Federal government a warning, but that voice was disregarded, and the catastrophe burst upon us as a thunder storm in midwinter.

The loyal sons of Virginia rush to her defense, and the military arm bows to the majesty of law, and delivers the murderer to a just and impartial trial. A new incident in the history of crime is developed. Learned counsel from a distant city, once styled the Athens of America, proceed to a distant village to offer their services to defend the midnight assassin. Political offenses have sometimes found voluntary defenders, but the moral sense must be absolutely perverted when it is deemed a virtue to screen the murderer from punishment. The excitement grows, and your courts of justice cannot proceed as in ordinary cases of crime. You are compelled to surround them with military power; and when the law has pronounced its sentence, you are compelled to guard the prison-house and the scaffold, to keep at bay the confederates and sympathizers with crimes heretofore execrated by every civilized people upon earth.

The indications of this implacable condition of Northern opinion do not stop here. The sentence of death upon the criminals and their execution are bewailed with sounds of lamentation, such as would now follow a Ridley or a Latimer to the stake, and public demonstrations of sympathy exhibit themselves throughout the entire North. To the great discredit of our institutions and of our country, motions are entertained in bodies exercising political power to honor the memory of a wretched fanatic and assassin, and in one body the motion failed only for want of three votes. These are indications which you cannot disregard. They tell of a state of public opinion which cannot fail to produce further evil. Every village bell, which tolled its solemn note at the execution of Brown, proclaims to the South the approbation of that village of insur-

rection and servile war, and the ease with which some of the confederates escaped to Canada proves that much of the population around are willing to abet the actors in these incendiary attempts.

To view this matter in its just proportions we must set it at a little distance from us. Familiarity accustoms us so much to things near that we lose the perception of their magnitude. A daily observer of the Falls of Niagara may be brought to look upon them as the ordinary descent of water down a river. Let us, therefore, suppose that the attempted assassination of Louis Napoleon at the Opera House in Paris had been followed by developments showing the contribution of arms and money in England; that upon the arrest of the detected assassins learned counsel had crossed the channel to volunteer a defense before the French courts; that upon his condemnation threats of sympathy compelled the government to surround the scaffold with arms; and upon his execution bells were tolled in many English villages; and as a consummation of the whole, a motion were entertained to adjourn the Parliament in honor of the memory of the assassin, and that this motion had failed in one house only by three votes. Does any man suppose that under these circumstances the peace of Europe could have been preserved for a day? Unless prompt disavowal and punishment had been offered, every Frenchman would have been ready to cross the channel as an enemy, and the civilized world would have regarded the English people as a nation of outlaws.

In our country, so far from there being any proper indication of disavowal, the indications are the other way. Elections have taken place at the North since the Harper's Ferry invasion, in which the public sentiment has been exhibited. Those who maintain the abolition views have proved stronger than they ever were before. In New York they have triumphed over the other parties combined together, and in Boston, notwithstanding an attempt to stay the tide, the same result has followed. In Congress the same lamentable exhibition is afforded. More than one hundred members prefer to keep the government disorganized, rather than abandon a candidate whose recommendation of a book, inviting a combined effort to introduce anarchy and servile war at the South, makes him obnoxious to the South; and of these some sixty have signed a recommendation of the same book; and there they stand, and have stood for more than six weeks, with unbroken front, refusing any kind of concession to the outraged feelings of the South. Can any Southern man believe that these representatives do not represent the feelings of their constituents, and that they would venture upon the measure of keeping the government disorganized against the public opinion that is behind them?

Here, then, we have before us the North and the South, standing face to face, not yet as avowed and open enemies, but with deep-seated feelings of enmity rankling in their bosoms, which at any moment may

burst forth into action. Is it wise, when we see flame shining through every crevice, and ready to leap through every open window; is it wise to close the window, and fill up every gap, and shut our eyes to the fact that the fire is raging within the building? It is not wise. We must examine the premises and determine whether the building can be saved or whether it must be abandoned.

We have now reached this point in our inquiry. The Harper's Ferry invasion, with the developments following it, and the now existing condition of the country, prove that the North and the South are standing in hostile array—the one with an absolute majority, sustaining those who meditate our destruction and refusing to us any concession or guaranty, and the other baffled in every attempt at compromise or security.

The inquiry which must naturally follow would be into the causes which have led to this result, and whether these causes are transient in character, or must continue to operate until they result in the final overthrow of our institutions.

To determine this question, it becomes necessary to review a portion of the history of our country.

At the termination of the Revolutionary war there were six slaveholding States and seven non-slaveholding. The Northern section had no territory but that from which has since been formed the States of Vermont and Maine. The Southern owned the Northwest and the Southwest; and had in its possession the means of expanding itself into the numerous States which have since been formed out of this territory. The local law of slavery in the parent State would have followed in the offspring, and the result must have been that the power of the South would have had the vast preponderance. At that time, too, the commerce of the South was equal to that of the North; and occupying a more favorable position, both as to soil and climate, there was every reasonable prospect that she would be in the advance in all the elements of national strength.

How different a result do we this day realize? The North has grown to a degree of power and grandeur unequalled in the history of the world. They have taken possession of the magnificent inheritance of the South, and on the fertile plains which should have been ours, they gather their thousands, and utter voices of denunciation against those who bestowed upon them the power and wealth which they enjoy. What are the causes of these results? How has it come to pass that the South, having in its hands the means of unlimited progress and certain preponderance, has been reduced almost to the condition of a suppliant, whilst the North has grown into such proportions that it assumes to give law as a master?

The more perfect union of the States was an object of great interest to the Revolutionary patriots. In 1784 Virginia led the way by ceding

to the United States her magnificent domain North of the Ohio river. The terms of Virginia's act of cession required that the States to be formed from this territory shall be "admitted members of the Federal Union, having the same rights of sovereignty, freedom and independence as the other States." Shortly after the cession a committee of the Congress of the Confederation was raised to frame an ordinance for the establishment of the territory. This committee, of whom Mr. Jefferson was one, reported an ordinance excluding slavery after the year 1800. This restriction on slavery, however, was struck out by the Congress on the motion of North Carolina, every Southern State and every Southern delegate except Mr. Jefferson voting for striking out, and the ordinance was adopted without the restriction. During the several subsequent sessions of Congress other propositions were moved, and, finally, on the 13th of July, 1787, just two months before the adoption of our present Constitution, the ordinance was adopted, with the restriction clause as follows:

"ART. 6.—There shall be neither slavery nor involuntary servitude in the said territory otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: Provided always, That any person escaping into the same from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."

Three things are apparent from this statement. The first is that Virginia and the South made this great concession for the sake of the Federal Union; the second is that the concession was made upon the express condition that fugitive slaves escaping into this territory should be restored to their owners, and the third is that at this early period, long before fanaticism had mingled in this controversy, and before the South had any apprehension as to her equal rights, the North, with far-reaching craftiness, secured to itself a predominance of eventual power in the Union. The generous and confiding character of the South overlooked these considerations. Her statesmen were then in possession of the government. General Washington was at the head, surrounded by generous and noble spirits, and the slave-holder and the non-slave-holder had so often stood side by side in conflict with their enemy that they still deemed each other brethren.

But what has been the effect of these cessions upon the relative condition of the North and the South? From this ceded territory nine States have grown: Ohio, Indiana, Illinois, Michigan, Wisconsin, Kentucky, Tennessee, Alabama and Mississippi. These States, added to the six original slave States, would have increased their number to fifteen. The Northern States, having but two new States to add to their original seven, would have numbered nine in all. Hence it would have followed

that the South would now have had 30 senators and 122 representatives in Congress, whilst the North would have had only 18 senators and 92 representatives. The effect of the cessions, however, has been to give to the North 5 out of these 9 States, whilst the South retained but 4. The Northern States have, therefore, added these 5 to their original 7, which 12 being added to Vermont and Maine made their number 14, against 10 Southern States, and the distribution of power according to the present basis gives to the North, as the effect of these cessions, 28 senators and 140 representatives in Congress, while the South has only 20 senators and 74 representatives.

History does not afford a parallel for so magnanimous and voluntary a surrender. Virginia, which contributed the largest portion, was perhaps more independent than any of her sisters. With a climate and soil the most favored by nature—with an extended commerce—with fine ports and noble rivers—with somewhat of a navy, and with a well-tried militia, she was quite able to stand alone. But she gave up all for the sake of union. Nay, more—the whole produce of the sales of all the lands ceded by the South, amounting to some one hundred and fifty millions of dollars, was thrown into the coffer of the Union—whilst the sales in the northern portion of the Union was reserved to themselves. Surely if there could be created a sentiment of gratitude and brotherly love in States, that sentiment should have existed in the Northern States toward the people of the South.

The next event of importance in this history was the purchase of Louisiana. This acquisition was made in April, 1803, under the treaty with France, and was approved by the whole Union. The territory acquired was all slave-holding. The rights of the inhabitants were expressly guaranteed to them by treaty; and the local law being that of a slave-holding country, of course attached throughout its entire extent. Ten States have been or are about to be formed from this purchase. At the date of the treaty there were eight slave-holding and nine non-slave-holding States; and from the territory then belonging to the Union, the slave States could add to their number but two, to-wit: Alabama and Mississippi—whilst five remained to be added to the North, namely: Indiana, Illinois, Michigan, Wisconsin and Maine. When these should all have been admitted, the North was to have fourteen States—the South but ten. The purchase of Louisiana by extending the local law of slavery over all its territory, added to the South this whole area, making in all twenty States; and the acquisition of Florida, under the treaty of Spain added one more State, making twenty-one Southern States against fourteen Northern.

Such was the condition and prospects of the Union when Missouri applied for admission. Maine had just been admitted without objection, and the Union stood at its old position—the North having one more

State than the South. The admission of Missouri would only have made them equal for the time. The opposition, therefore, to the admission of Missouri was induced, not by any existing preponderance of the South, but by one that was anticipated. Just as they did in 1787, the North made use of the attachment of the South to the Union to effect their scheme, and insisted that all of the territory west of the Mississippi should be given up by the South. It is highly instructive to us, in our present circumstances, to notice that the only motive to this refusal to admit Missouri must have been to secure power to the North. Fanaticism had yet exercised no controlling power. Hatred had not yet been excited. The many bonds, social, commercial and religious, which bound the country together were yet in full vigor.

Again the adoration of the South for Union prevailed. A voice from its midst, in an evil hour, proposed what it called a compromise, and the North eagerly seized and urged it forward. The Missouri Compromise took its place on the statute book, and graved in the soil of the Union a geographical line between the North and the South. It was called a compromise; but unfortunately it differed from the usual acceptation of the term, in that it gave all on one side of the line to the North, and secured nothing on the other side to the South. By it the North gained territory for six additional States, namely: Iowa, Minnesota, Kansas, Nebraska, Oregon and Washington. The South reserved but two—Missouri and Arkansas—with the chances of a third from the Indian Territory. The disastrous consequences of this compromise are portrayed with the pen of a prophet by Mr. Jefferson, and I respectfully ask to have his words read in your hearing:

[Extract from a letter of Mr. Jefferson to John Holmes.]

"MONTICELLO, April 22, 1820.

"I thank you, dear sir, for the copy you have been so kind as to send me of the letter to your constituents on the Missouri question. It is a perfect justification to them. I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident that they were in good hands, and content to be a passenger in our barque to the shore from which I am not far distant. But this momentous question, like a fire-bell in the night, awakened and filled me with terror. I considered it at once as a knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not the final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated, and every new irritation will mark it deeper and deeper.

. . . . . .

"I regret that I am now to die in the belief that the useless sacrifice of themselves by the generation of 1776, to acquire self-government and

happiness to their country, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I shall not live to weep over it."

We will now pass down to the period when a new element was brought into this unfortunate controversy. In 1835 petitions for the abolition of slavery in places subject to the authority of the general government, began to be presented to Congress. This form of proceeding was adopted merely to adjust a lever which might reach the institution of slavery within the States; and it is hazarding little to affirm that such was distinctly understood to be the design of the movement. Such an attempt should have been met by the prompt and stern rebuke of the common government of all the States. For it would seem to be an axiomatic truth, that where several States had entered into an alliance, there was an obligation on each to respect the institutions of the other; and that any attempt to use the alliance for the purpose of assailing the institutions of any one of the parties, was a breach of faith, and must ensue in the dissolution of the alliance. Stern rebuke and unyielding resistance should have been offered by Congress to all these attempts; and such was the course advised by Southern statesmen. As far back as 1838 the dangers which are now around us were clearly foretold by Mr. Calhoun, and it may serve to convince us that the final result is not far in the future, if we see before us the antecedents which had been distinctly traced. I ask leave, therefore, to have read an extract from a speech made in 1838:

"This was the only question of sufficient magnitude and potency to divide this Union; and divide it, it would, or drench the country in blood if not arrested. He knew how much the sentiment he had uttered would be misconstrued and misrepresented. There were those who saw no danger to the Union in the violation of all its fundamental principles, but who were full of apprehension when danger was foretold or resisted, and who held not the authors of the danger, but those who forewarned or opposed it, responsible for consequences. But the cry of disunion by the weak or designing had no terror for him. If his attachment to the Union was less, he might tamper with the deep disease which now afflicts the body politic and keep silent until the patient was ready to sink under its mortal blows. It is a cheap, and he must say, but too certain a mode of acquiring the character of devoted attachment to the Union. But, seeing the danger as he did, he would be a traitor to the Union and those he represented to keep silence. The assaults daily made on the institutions of nearly one-half of the States of this Union—institutions interwoven from the beginning with their political and social existence, and which cannot be other than they are without their inevitable destruction—will, and must, if continued, make two people of one by destroying every sympathy between the two great

sections, obliterating from their hearts the recollections of their common danger and glory, and implanting in their place a mutual hatred more deadly than ever existed between two neighboring people since the commencement of the human race. He feared not the circulation of the thousands of incendiary and slanderous publications, which were daily issued from an organized and powerful press, among those intended to be vilified. They cannot penetrate our section. That was not the danger; it lay in a different direction. Their circulation in the non-slave-holding States was what was to be dreaded. It was infusing a deadly poison into the minds of the rising generation, implanting in them feelings of hatred, the most deadly hatred, instead of affection and love, for one-half of this Union, to be returned on their part with equal detestation. The fatal, the immutable consequences, if not arrested, and that without delay, were such as he had presented.

"The abolitionists tell you, in so many words, that their object is to abolish slavery in the District of Columbia as but one step towards final abolition in the States. With this object avowed by the abolitionists, what do duty and policy demand on our part? We see the end, and that, if it can be effected, it would be our destruction. Shall we yield or stand fast? That is the question. If we yield an inch we are gone. The very ground on which we are asked to make the first concession will be urged on us with equal force to make the second, the third, and every intermediate one, till the last is consummated. . . . At every step they would become stronger and we weaker, if we should be so infatuated as to make the first concession. . . . There never was a question agitated where the most unyielding opposition was so necessary for success.

"He ought not, perhaps, to be surprised that Senators should differ so widely from him on this subject. They did not view the disease as he did. He saw working at the bottom of these movements the same spirit which two centuries ago convulsed the Christian world and deluged it in blood—that fierce and cruel spirit of persecution, which originated in assumed superiority and mistaken principles of duty, that made one man believe that he was accountable for the sins of another, and that he was the judge of what belonged to his temporal and eternal welfare, and was bound, at the peril of his own soul, to interfere to rescue him from perdition. Against this fell and bloody spirit it was in vain to interpose this amendment. . . . An inflexible adherence to our principles and our rights, and a decided and emphatic tone, equally remote from violence or concession, only can save us. The deluded agitators must be plainly told that it is no concern of theirs what is the character of our institutions, and that they must not be touched here, or in the Territories, or the States, by them or the government; that they were under the guardian protection of the Constitution, and that we stood prepared

to repel all interference or disconnection, be the consequence what it might."

Unfortunately for the South, concession became again its policy. It was virtually admitted that the North had a right to assail the institution of slavery when Congress agreed to receive their petitions. Logically this admission demanded a consideration of the matter of the petition. But with singular inconsistency a rule was made that the petitions should be laid upon the table without further action. So violent a separation of premises and conclusions satisfied no one, and the result was that the agitation continued with unabated zeal. The political parties into which the country was divided made their court to this fanatical element, added to its strength, and gave direction to its blindness.

Its first fruits were developed in the severance of Christian fellowship in the churches. Inflamed with zeal by imaginary wrong, and assuming as an article of the faith that slavery was a sin, they denounced their brethren of the South as unworthy of meeting with them at the table of their common Master. The professed followers of that meek and gentle Saviour who, from the hills of Galilee and from the mountains of Judea had looked down without censure upon thousands of dwellings inhabited by slaveholders—of that Saviour, one of whose first miracles was the healing and restoring to a Roman master his slave sick with the palsy, and commending that master, by declaring that he had not found faith like his in all Israel; these Northern professors of a new Christianity cannot hold communion with slave-owners!

The great apostle of the Gentiles could compass the Roman world, and preach to the thousands and tens of thousands of slaveholders around him without one word of reproach. He could convert to the faith the fugitive slave of one of his friends, and send back to him that slave without the smallest imputation upon his faith or practice. Nay, more—as though the spirit of God had prepared beforehand the means to enlighten every Christian upon this very subject—the church of God is inspired to place in the canon of Scripture the noble and respectful letter written by St. Paul to this slaveholding master. The whole Roman world, from the Euphrates to the Pillars of Hercules, from the Danube to Mount Atlas—Goths and Ostrogoths, Vandals, Huns, Gauls and Britons—all can hold communion with each other, through the one common Lord, when professing the common faith; yet, here in the same nation, under the same Constitution, with the same Bible, professing one faith, the North cannot hold fellowship with the South. The great leading denominations—Methodist and Baptist—have entirely severed their connection with each other. The Presbyterian and Episcopalian still meet together, and are yet preserved from this fanaticism. But in one portion even of Presbyterian and in many of the smaller denominations the cords are chafed and worn so as to be incapable of further stress;

and so it results that the North acknowledges no fellowship with the South. They practically have added a new article to the Christian creed, and in all these cases the tidal wave of persecution has set in from the North, and at each flow it surges higher and higher upon the South without any interval of ebb.

The next step in our history, to which I must allude, is the admission of Texas into the Union. At this period there were twenty-six States in the Union, evenly divided between the North and the South. Southern development had been exhausted; but in the Territory remaining five States were yet to be added to the North. The World's Convention which met at London in 1843 had taken into its consideration the abolition of slavery in Texas. In this Convention were delegates from New England; and it is matter of history that the Convention waited on the British Minister and urged upon him a government loan to Texas to be applied towards the abolition of slavery. What took place in the secret conclave of the Ministers can easily be conjectured from the following outline of a debate in the British Parliament, extracted from the London *Times:*

"TEXAS.—In the House of Lords, on Friday, the 18th of August, Lord Brougham introduced the subject of Texas and Texan slavery in the following manner:

"Lord Brougham said that, seeing his noble friend at the head of the foreign department in his place, he wished to obtain some information from him relative to a State of great interest at the present time, namely, Texas. That country was in a state of independence, *de facto*, but its independence had never been acknowledged by Mexico, the State from which it was torn by the events of the revolution. He was aware that its independence had been so far acknowledged by this country—that we had a treaty with it.

"The importance of Texas could not be underrated. It was a country of the greatest capabilities, and was in extent fully as large as France. It possessed a soil of the finest and most fertile character, and it was capable of producing nearly all tropical produce, and its climate was of the most healthy character. It had access to the Gulf of Mexico, through the river Mississippi, with which it communicated by means of the Red river. . . . The markets from whence they obtained their supply of slaves were Georgia, the Carolinas and Virginia; which States constantly sent their surplus slave population, which would otherwise be a burden to them, to the Texan market. No doubt it was true, as has been stated, that they treated their slaves tolerably well, because they knew that it was for their interest to rear them, as they had such a profitable market for them in Texas. This made him irresistibly anxious for the abolition of slavery in Texas; for if it were abolished there, not only would that country be cultivated by free and white labor, but

it would put a stop to the habit of breeding slaves for the Texan market. The consequence would be that they would solve this great question in the history of the United States, for it must ultimately end in the abolition of slavery in America. He, therefore, looked forward most anxiously to the abolition of slavery in Texas, as he was convinced that it would ultimately end in the abolition of slavery throughout the whole of America. He knew that the Texans would do much, as regarded the abolition of slavery, if Mexico could be induced to recognize their independence.

"If, therefore, by our good offices, we could get the Mexican government to acknowledge the independence of Texas, he would suggest a hope that it might terminate in the abolition of slavery in Texas, and ultimately the whole of the Southern States of America."

The Earl of Aberdeen, in his reply, stated that "he need hardly say that every effort on the part of Her Majesty's government would lead to that result which was contemplated by his noble friend. He was sure that he need hardly say that no one was more anxious than himself to see the abolition of slavery in Texas; and if he could not consent to produce papers, or give further information, it did not arise from indifference, but from quite a contrary reason. In the present state of the negotiations between the two countries in question, it would not contribute to the end they had in view if he then expressed any opinion as to the state of those negotiations; but he could assure his noble friend that by means of urging the negotiations, as well as by every other means in their power, Her Majesty's ministers would press this matter."

Lord Brougham observed that "nothing could be more satisfactory than the statement of his noble friend, which would be received with joy by all who were favorable to the object of the Anti-Slavery Societies."

At this important period, the Providence of that God who holdeth in His hand the destinies of nations, set aside the powers which man had placed in authority over us, and raised up two Virginia patriots in their stead. John Tyler and Abel P. Upshur—men of sterling character and far-seeing statesmanship—were put in charge of the ship of state. They saw through the schemes of England. With consummate skill and earnest zeal they undertook to rescue Texas, and had so far succeeded that a treaty was ready for signature between Texas and the United States, when the explosion on board the *Princeton* deprived the country of the valued life of Judge Upshur. Mr. Calhoun was then put in requisition by Mr. Tyler, and the unanimous vote of the Senate called him to the post of Secretary of State. In a fortnight the treaty was completed, and once more equality between the North and the South was on the eve of being restored.

But here intervened one of those unfortunate canvassings for the presidency, which are the bane of the South. Mr. Van Buren and Mr. Clay, the candidates of the two great parties, each fearing to offend the abolition party, or to throw it into the scale of his antagonist, simultaneously published letters against annexation; and at the ensuing session of Congress the treaty with Texas was defeated. The good sense of the country, however, assisted by that appetite for territory which seems to belong to the Anglo-Saxon race, put aside the trammels of political machinery and declared in favor of annexation. The unfortunate managers were overwhelmed in the catastrophe, and the Southern patriots had the satisfaction of consummating the admission of Texas three days before they surrendered the reins of government to their successors.

The condition upon which Texas was admitted into the Union, provided that from her territory five States might be created in the future. Inasmuch as at least five remained to be admitted for the Northern section, the admission of Texas gave to the South merely an equilibrium in the Senate. The majority in the House was already gone from the South forever. The Electoral Colleges if arranged sectionally, would give a majority also to the North. So that all that the South acquired by the admission of Texas was the power to check—a negative power. Positive power had already departed from them.

At this era the Mexican war occurred. The country rushed into it with an eagerness which blinded it to all consequences. North and South freely contributed its blood and treasure, and freely shared its glories and its dangers. But before the pæans of victory had yet subsided—before the lamentations for the dead had yet ceased—before the country could yet see through the clouds of the future—the North summoned together its forces to seize for themselves the entire spoils of the war. The Wilmot proviso was brought forward during the war, in August, 1846, and so far as the House of Representatives in Congress was concerned, was adopted. By this proviso it was declared that slavery should be excluded from all territory to be acquired from Mexico. The Southern States were informed that although their blood and treasure had contributed to the result—although the bones of their slain lay entombed before the fortresses and among the mountains of Mexico—although Monterey and Churubusco and Buena Vista and Chapultepec were names sacred to the glories of North or South, yet no Southern man should stand upon the conquered territory upon the same footing with the Northern. The institutions of the North, whether Mormon or Infidel, might attend them—the Chinaman or the Lascar, or the Sandwich Islander or the Zambo—all might have equal protection and right, but the most valuable property of the Southern man must be left behind.

It is not surprising that the Southern States should have been fired with indignation at this attack. But what availed that? Although in 1846 the Senate checked the proviso by a manœuvre, yet in 1847 it was renewed upon the expanded basis of excluding the South from all territory on this continent. This also passed the House of Representatives, and was again defeated by the management of the Senate.

Forbearance could sustain no more. The Legislatures of the Southern States began to speak their deep and settled indignation.

Virginia in March, 1847, thus announced her purpose:

[Extract from Virginia resolutions of 1847.]

"2. Resolved, unanimously, That all territory which may be acquired by the arms of the United States, or yielded by treaty with any foreign power, belongs to the several States of this Union as their joint and common property, in which each and all have equal rights, and that the enactment by the Federal government of any law which should directly or by its effects prevent the citizens of any State from emigrating with their property of whatever description into such territory, would make a discrimination unwarranted by and in violation of the Constitution and the rights of the States from which such citizens emigrated, and in derogation of that perfect equality that belongs to the several States as members of this Union, and would tend directly to subvert the Union itself.

"3. Resolved, That if in disregard alike of the spirit and principles of the act of Congress on the admission of the State of Missouri into the Union, generally known as the Missouri Compromise, and of every consideration of justice, of constitutional right and of fraternal feeling, the fearful issue shall be forced upon the country, which must result from the adoption and attempted enforcement of the proviso aforesaid as an act of the general government, the people of Virginia can have no difficulty in choosing between the only alternatives that will then remain—of abject submission to aggression and outrage on the one hand, or determined resistance on the other, at all hazards and to the last extremity.

"4. Resolved, unanimously, That the General Assembly holds it to be the duty of every man in every section of this Confederacy, if the Union is dear to him, to oppose the passage of any law for whatever purpose, by which territory to be acquired may be subject to such a restriction.

"5. Resolved, unanimously, That the passage of the above mentioned proviso makes it the duty of every slave-holding State, and of all the citizens thereof, as they value their dearest privileges, their sovereignty, their independence, their rights of property, to take firm, united and concerted action in this emergency."

South Carolina uttered the same language in December of the same year; and the other Southern States responded in such a manner as to

produce a pause. The treaty with Mexico was signed in May, 1848, and an attempt was then made in Congress to arrange the territory acquired to the satisfaction of the North and the South. The South asked no more than that their rights and property, as guaranteed by the Constitution, should be respected. The North, on the other hand, demanded the total exclusion of Southern institutions. With a view to some proper adjustment, a committee was raised in the Senate consisting of an equal number of Northern and Southern men. The chairman was Mr. Clayton, from the neutral State of Delaware. Hear his account of the proceedings of the committee:

"As soon as we assembled, a proposition was made by a member from the South to extend the Missouri Compromise line to the Pacific. The vote upon it stood, four Southern members for it, and four Northern members against it. We renewed the proposition in every conceivable form; but our Northern friends rejected it as often as it was proposed. We discussed it—we entreated them to adopt it. We did not pretend that it was a constitutional measure, but that it had been held by many as a compact between the North and the South, and was justified as a measure of peace. We argued to show the justice of extending the line to the Pacific. I obtained a statement from the Land Office, showing that by such an extension of the line the North would have the exclusive occupation of one million and six hundred thousand square miles in the Territories outside the States, and the South but two hundred and sixty-two thousand square miles, in which, observe, slavery could only be tolerated in case the people residing there should allow it. The proposition being rejected by the North, there was, indeed, as the Senator from South Carolina (Mr. Calhoun) has described it, a solemn pause in the committee. All hope of amicable settlement for the moment vanished, and unnatural contention seemed likely to prevail among us. It was then proposed to rest the present hope of settlement on the Supreme Court as the ark of our safety. We came into the Senate with three-fourths of the committee in favor of it, and the other fourth not fixed against it. An appeal was provided in the bill from all decisions of the territorial judges in cases of writs of habeas corpus, or other cases where the issue of personal freedom should be presented. The South agreed in the Senate, with extraordinary unanimity, to submit the validity of their claims to the Supreme Court; but the North were by no means so unanimous. There was, however, a majority in favor of the bill embracing this principle. Having passed the Senate, it was sent to the House, where, on the twenty-eighth day of July, 1848, it was defeated by a vote of one hundred and twelve to ninety-seven—five-sixths of the opposition to it being from the North."

The failure of this scheme left the Territory without government, and in August, 1848, the Oregon Territorial Bill was passed; by the 26th

section of which, it was enacted that the inhabitants of the said Territory shall be entitled to all the privileges granted by the ordinance of 1787, and "shall be subject to all the conditions, and restrictions and prohibitions in said articles of compact imposed upon the people of said Territory." Here, then, was an enactment of the Wilmot proviso; but as it only covered territory north of 36° 30', the President approved it on that ground. And the South acquiesced again.

The conflict was still continued as to the remaining territory; and in 1849, Virginia repeated and confirmed her resolutions of 1847, and added another as to the slave trade in the District of Columbia The following are the resolutions:

[Extract from resolutions of the General Assembly of Virginia, adopted January 29, 1849.]

"5. Resolved, unanimously, That the passage of the above mentioned proviso makes it the duty of every slave-holding State, and all the citizens thereof, as they value their dearest privileges, their sovereignty, their independence and their rights of property, to take firm, united and concerted action in this emergency.

"II. Resolved, That we regard the passage of a law by the Congress of the United States, abolishing slavery or the slave trade in the District of Columbia as a direct attack upon the institutions of the Southern States, to be resisted at every hazard.

"III. Resolved, That in the event of the passage by Congress of the Wilmot proviso, or any law abolishing slavery or the slave trade in the District of Columbia, the Governor of this Commonwealth is requested immediately to convene the Legislature of this State (if it shall have adjourned) to consider of the mode and measures of redress."

South Carolina again responded in December, 1849, and declared that the time for action had come; and she was not mistaken, for immediately thereafter the President of the United States sent out his military Governor to organize the Territory of California. At his word election districts are formed and electoral rights conferred, and the promiscuous horde whom war and the spirit of adventure had collected in California are invested with authority to make a Constitution, and by it exclude the entire South from any participation in the wealth of that whole region.

In 1850 this Constitution came before Congress and was adopted with the other measures, known as the Compromise of 1850. South Carolina regarded these measures as a mere aggravation of the injuries before heaped upon the South. She considered the Constitution of California, when sanctioned by Congress, to be a virtual enactment of the Wilmot proviso. Even the Missouri Compromise line had been disregarded by that Constitution; and the entire Pacific Coast had now, by the operation of the Oregon bill and this Constitution of California, been closed to Southern emigration. One of these Compromise measures enacted as follows:

"It shall not be lawful to bring into the District of Columbia any slave whatever for the purpose of being placed in depot to be subsequently transferred to any other State or place to be sold as merchandise; and if such slave be brought into the said District by its owner, or by the authority or consent of its owner, contrary to the provisions of this act, such slave shall thereupon become liberated and free."

This law raised the issue upon which Virginia had pledged herself to act; and South Carolina, in going forward, considered herself merely as the front rank in the advancing column of her sisters. I refer again to these incidents merely as facts, with no intention to censure or impute wrong. They must be mentioned to explain and to justify the course of South Carolina, and they show that in each stage of her progress she had, as she thought, the concurrence of her sister States.

In her judgment the other compromise measures of 1850, which changed the boundary of Texas, was equally exceptionable. It withdrew territory from the State of Texas for no other apparent purpose than to convert that Territory into free soil, and brought close upon the flank of the Southern States the very instrument for their destruction which Lord Brougham had sought in 1843; and for all this the equivalent offered to the South was a fugitive slave law, which, we believed, would be as persistently eluded by the Northern States as the obligation which the constitution and the previous laws of Congress had already imposed on them.

Entertaining these opinions, South Carolina proceeded to arm her people. Desiring to act in concert with the South, she first sent delegates to a Southern Congress, and next prepared herself to secede from the Union. At this stage of her progress she was met by your resolutions of 1851, in which you declared your acceptance of the compromise of 1850, and your request to us to desist from our purpose of secession. We did desist. We restrained our gallant coursers, although with great straining upon the reins of State. We have stood still from that day, and almost mute. We have waited as you desired, and what have since been the results?

Kansas next came upon the stage of action. A strong effort is made in Congress by those who yet believed in the virtue of reasoning with fanaticism, and of persuading the demagogue to remove the whole subject of slavery from the halls of Congress. The Kansas-Nebraska act is passed, the Missouri compromise is repealed. At the same time the Supreme Court lends its aid by the Dred Scott decision, and the South is congratulated that now she is to have that peace for which so many sacrifices had been made.

No sooner is this done but the contest assumes a new and more alarming character. Throughout the North societies are organized for taking possession of Kansas. Emigrants are sent out armed to the

teeth, and the arms are furnished by the pulpit and the press. The South can do no less than defend itself, and thus civil war is waged in the Territory between North and South; and nothing but its distance in the far West prevented it from involving the entire country. That war was crushed out by the forces of the Federal government; but the blood-hounds whom it trained were kept in leash to break forth upon Harper's Ferry. It has ended in the complete delivery of Kansas to the North. And now the two sections stand front to front—the North elate with victory, in possession of both houses of Congress, and only awaiting the Presidential election to seize upon the purse and the sword of the nation.

Heretofore each section of the Union was represented in either camp. But now both camps are sifted, and no familiar voice from either section is lifted to stay the sounds of angry vituperation. A broad geographical line is ploughed into the soil, and none may cross it but with sword and buckler. Compare this state of things with the period when a few fanatical followers rallied around Birney as their leader. Look at the struggle made at the last Presidential election, and consider how nearly we had reached the crisis. The Delilah of the North had already cried out, "The Philistines be upon thee, O, Samson." And although on that occasion he burst asunder the withes and gave us respite for four years, yet now again are new bonds in preparation, and this time we have reason to fear that the locks of our strength have been shorn; and, made blind beforehand, we are about to be driven to the mill-stones to grind meal for our enemies.

We stand now in the Union, fifteen States to eighteen; and of these fifteen we must consider at least one as neutral. The constitutional barrier which we have always had in the Senate is, therefore, gone, and with it all power to check the appointments to office. The House of Representatives has been lost to us for years. The Electoral College, when combined sectionally, must, of course, elect a sectional President; and in a few years even the judicial arm, with its slender protection, must follow the appointing power. As matters stand, we are virtually excluded from all the territory of the Union; and even the Territorial Legislature of Nebraska has ventured to pass an act excluding slavery from that Territory. At every point, therefore, we are fairly at bay.

And what is the prospect before us? Is it likely that the torrent which is in motion will be stayed in its course? A few moments' consideration of its causes will inform us. The generation which now has possession of the political power of the North has been regularly trained from childhood to the course which they are now pursuing. At their mother's knee they were taught that slavery was a sin. The school then surrounded them with pictures and books, in which the lash was represented in every Southern hand, and the groans of the slave as the music

of every Southern household. Horrid spectacles of mothers separated from their children; descriptions of brutal violence and savage disregard of the kindliest feelings of humanity have been set before them, and the generous sympathies of youth have been turned against their brethren of the same blood, as oppressors of the weak and ignorant African.

To these teachings the pulpit adds its religious sanction. The utterance of anathemas from the minister clothes the sentiment with the solemnity of religious truth. Slavery is denounced as a sin, and the conscience is misled to assume jurisdiction over Southern conduct. The press then advances, with its thousand tongues, and nothing is heard but the continuous cry of wrong, and the earnest appeal for means and votes to extinguish that wrong. And here the party leader, with his political craft and skill, intervenes and gives directions to the one-sided energy, which, without him, would soon exhaust itself. Thus we have every element of opinion and every power which operates on mind brought into requisition to effect one result. That result is as certain as that effect follows cause, and that effect must remain permanent, for the reason that the causes are permanent and ever acting.

We are brought then to this conclusion: The South stands in the Union without any protection from the Constitution, subject to the government of a sectional party, who regard our institutions as sinful, and whose leaders already declare that the destruction of these institutions is only a question of time. The power of this party must increase from the continued operation of the causes which have given them their present strength. Thus, with the forms of the Constitution around us, we are deprived of all the benefits to secure which the Union was formed.

The preamble of that Constitution sets forth these objects in the following terms:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Where is that more perfect union? The answer is given by the shout which hailed as a hero the murderer and assassin. As the ancient Greeks had no name for the parricide, and imposed no punishment for an unknown crime, so the fathers of the Constitution provided no means for repressing the unimagined invasion of a sister State. Nay, they actually disarmed the State, giving up to the Federal government the army and navy, and making no provision for protection of a State from invasion by a neighboring State. This gave rise to the anomaly exhibited at Harper's Ferry in the laws of the Federal government affording no aid to the government of Virginia to protect her from invasion. This more per-

fect union is more strikingly illustrated in the spectacle now exhibited in the array of one-half the Union against the other, urged on (as one of the speakers at a meeting in Boston most truthfully declares) by a "religion of hate," which is ready "to break down all laws, human and divine."

But the Constitution was also made to establish justice. The establishment of justice is evinced in the protection and security of life and property. The blood that cries from the ground at Harper's Ferry is witness to the security of life, and doubtless the spotted region on Brown's map would in due time have added their solemn voices but for the utter failure in Virginia. And if these voices do not convince, let the ease with which some of the confederates escaped through sister States into Canada add its testimony. Nay, more. Suppose jurisdiction of the crime had been surrendered to the Federal government, and judgment had been delayed until the fourth of March next, how think you that the culprits would have fared with a black Republican President entrusted with pardoning power?

And what protection has the Union afforded to the most valuable property of the South—that which was chiefly in view when the Constitution was made? "Thou shalt not steal," says the word of God. "Thou shalt not covet thy neighbor's slave," says the same authority. The Constitution and the "higher law" were therefore in agreement when it recognized property in a slave and stipulated to return him to his owner. But what is the condition of things in this Union? Eight at least of the States, and I am told as many as sixteen, have enacted laws to defeat the rendition of the slave to his master, and at this moment a controversy is pending in which even the transit of the slave with his master through a free State is declared unlawful. Associations are openly formed for the purpose of stealing and receiving the slave when stolen, and in one State the owner reclaiming his slave does so on peril of an indictment for felony. The high priest of this new religion, occupying a high place in the government, and a probable successor to the Presidency, announces to his followers that they must defend these fugitive slaves as they would their "household gods."

And how does the Union insure domestic tranquility? Let the necessity under which this State now is to arm her people—let that necessity answer. Let the sounds of war which are yet resounding through the streets of this capital answer. Let the restless and uneasy feeling throughout the entire South answer. But against whom are we compelled to arm? Who are they that threaten us with coercion and violence? It is they who are called our brethren; they who are our rulers; they who formed with us a Constitution for common defense. They organize in their midst societies to destroy our peace, and to arm the slave against his master; they preach a crusade against our institutions; they

train up their children to hate and distrust; they abuse to our destruction the power which the government has confided to them. We have surrendered to that government our arms and our fortresses; our army and our navy; our sword and purse; and soon we may find, to our cost, that they are in the hands of an open enemy.

Time does not permit the further elucidation of this portion of our enquiry. Enough, however, has been said to prove that we have a Union without a Constitution. The Union indeed stands, but it has ceased to effect for us at the South the great objects for which it was formed. It is but the carcass of its former self—the body without the soul. The blessings which it once conferred have departed—the glories which once surrounded it have been dimmed; and its burdens remain, pressing down upon the South without compensation. History is not without its illustrations on this subject to teach us wisdom. Republics have, before ours, been enslaved under all the forms of free institutions. It was in the Roman Senate that Sylla sat while the soldiers were butchering the citizens of the Republic. It was in the Roman forum that Antony thrice offered unto Cæsar the kingly crown, which, in deference to the forms of the Constitution, he thrice refused; and it was in a vain effort to restore that Constitution that Brutus and his confederates put Cæsar to death. Long after the extinction of all liberty, the edicts of the Senate professed to be in the name of the Roman people, and the Emperor himself exercised his absolute authority under the republican names of Consul and Imperator.

Are we then to be misled in the same manner by deceptive appearances? Is it not clear to the Southern people, that when the North have banded themselves together, and are in possession of the government, the South has become a province of the North? Are they not really in a worse condition than they were in 1775? Then, as now, a sectional line (wider indeed in extent, but not more so in effect,) separated the rulers from their subjects; then, as now, the government was in the hands of one section, the other having a choice only between submission and resistance. But now, the Southern colonies must bear these additional aggravations:

1. Our rulers have been educated from childhood to denounce us and our institutions; so that instead of the kindly sympathy with which a government should respond to the feelings of those whom it governs, our government is our enemy.

2. That government being composed of a sectional party, it is the interest of its leaders to keep alive all the elements of sectional strife; and the future, therefore, offers to us no prospect of relief.

3. The immense patronage and spoils of the government, and the large interests involved in the public expenditures, and in discriminating tariffs, bring to the aid of the dominant party every selfish interest,

and enable it to rivet its fetters upon the South, while the hope held out to Southern aspirants for office is used to corrupt our leaders and confound our people.

4. The Southern States are degraded from their position of equality by the open announcement that they shall have no further expansion, while the North, flushed with victory, are seizing the whole territory of the Union, and give us plainly to understand that our institutions are already doomed, and merely await execution of the sentence.

5. And finally, we are graciously informed that the arrangements of Southern capital and labor do not please our masters, and that an irrepressible conflict has commenced which must end in the overthrow of Southern civilization.

Even the Autocrat of Russia feels a sympathy with his Siberian serfs, and would never allow his government to be regarded as the instrument of their ruin. If we are to be provinces, better—a thousand times better—to have in our rulers at least the prestige of an illustrious line of noble ancestry; to be governed by nature's noblemen, instead of the scum which the surges of party roll up on its surface.

But we are told that we are not in so hopeless a condition; that there are good men and true at the North who will break down this sectional tyranny; and we are referred to the meetings lately held in some of our Northern cities. I honor the magnanimity and courage of those noble spirits who have ventured to stem the torrent of prejudice and fanaticism. But their efforts have proved vain. They cannot fail to be vain, because they give up the citadel to the enemy. Even the president of the Boston meeting declares that not an inch more is to be yielded to the extension of slavery. Every speaker, save one, (and that one I honor for his patriotic firmness and sagacity—Mr. O'Conor, of New York,) admits the justness of the Northern condemnation of slavery. This germ contains the logical sequences which the North have followed out into action. There can be no peace until they either change their opinions, or cease from taking any cognizance whatsoever of slavery. They must respect it as they would marriage, parental authority, or any other legitimate institution of a sister State, and until our defenders take this position, they build upon the sands.

But why waste our time in surmise when realities are thrust openly before us? Can any one mistake the roaring of the storm at Washington? Has the column of the Republican party there shown any sign of wavering? Was ever such a spectacle presented to this country before? There are plainly exhibited the dire results of this array of sections; and there in that conflict for the mastery is foreshadowed that real conflict between the States to which we are soon to be summoned.

Will you undertake that conflict singly, or shall we act in concert? That is the great question which I am commissioned to ask. In 1847

and again in 1849, your judgment pronounced in favor of "concerted action." We have adopted your judgment—and we come now to propose the conference. From the Federal government as it stands we can expect nothing. From the Northern States we have been repelled with denunciation. Our only resource then is in ourselves, and among ourselves union is strength.

The great and leading argument in favor of a conference is, that it is the proper step in any contingency. It is a measure which will preserve the Union if it can constitutionally be preserved; and if it cannot, it is the proper preparatory step for Southern defense. Those who desire the maintenance of the Union must perceive that nothing is more likely to drive back the aggressions of the North, and to restore us to rights, than the exhibition of a united and determined purpose of resistance. And those who believe that the Union cannot be preserved, will equally perceive that a Southern conference is a necessary step to effective Southern defense. This measure ought, therefore, to unite all parties excepting alone that (if there be any such) which favors unconditional submission.

And what shall be the advice which may reasonably be expected from such a conference? Certainly they will require a restoration of the Constitution and the perfect equality of the Southern States. Could any measure be more likely to effect this result than the united demand of the whole South? Say to the North, repeal at once all your enactments against the just rendition of our slaves; break up your underground railroads; perform towards us your constitutional obligations, and restore to us all those rights which the comity of nations as well as the Federal Constitution guarantee to us. We insist that nations bound to each other as we are cannot agitate and form societies to impair the institutions recognized by the laws of either, and we demand the immediate suppression of such societies and the return of tranquility to our borders. If we are to remain united, we must no longer have our property stolen from us, and the thieves and stolen property protected by your laws; neither will we hear ourselves denounced as criminals and evil-doers while obeying our own laws. Surely the South may unite in declaring anew her bill of rights, and it is not yet treasonable to add that she must have equality in the Union, or she will seek independence out of it.

It is obvious to every one that if it be possible to procure these demands and to remain in the Union, the united voice of the whole South is the only mode of effecting it; and if there be a more forbearing party still, who desire to try in the Union measures of retaliation and non-intercourse, or others who hope to prevail upon the North to give us new guarantees by amendments of the Constitution of the United States, a conference of the South offers the best mode of carrying out their plans.

The wisest and best men of the South will be brought together to consider them, and the wisest and best measures may reasonably be expected.

I would be wanting in the frankness and candor due to this august assemblage, if I did not plainly declare the opinions which we entertain in South Carolina. We have no confidence in any paper guarantees—neither do we believe that any measures of restriction or retaliation within the present Union will avail. But with equal frankness we declare that when we propose a conference, we do so with the full understanding that we are but one of the States in that conference, entitled like all others to express our opinions, but willing to respect and abide by the united judgment of the whole. If our pace be too fast for some, we are content to walk slower; our earnest wish is that all may keep together. We cannot consent to stand still, but would gladly make common cause with all. We are far from expecting or desiring to dictate or lead.

There are indeed material guarantees which Southern statesmen have proposed, and which, if added to the Constitution, might restore to the South its equality in the Union. Among these may be mentioned Mr. Calhoun's suggestion of a dual executive; and although attempts have been made to detract from this suggestion as impracticable, it may be answered that the Roman Republic, with its two Consuls, so far from proving an impracticable government, lasted five hundred years, and under this dual executive conquered the world.

Another suggestion has been offered of dividing the Senate into two sectional classes, and requiring a concurrence upon all sectional questions, somewhat after the plan established in the conventions of the Episcopal Church of America. This plan has the advantage of actual existence in their midst.

The Governor of this State has proposed that a Convention of the United States should be called to determine whether amendments may not be made to the Constitution to save the Union; and if they cannot, then that such division be made of the government property as would tend to a peaceful and just arrangement. Such a measure would most naturally and properly be preceded by a Southern conference to agree beforehand upon such amendments as should be proposed, and such demands as should be made by the South. If such a body should ever meet, it would be indeed unfortunate for the South to enter it with divided counsels.

Unquestionably the South is entitled to demand, as already stated, an equal share of the territory of the Union; and the repeal of all laws obstructing the return of fugitive slaves; and it would seem to be equally unquestionable that she has a right to demand the disbanding of every society which is agitating the Northern mind against Southern

institutions. These, with a surrender of the power to amend the Constitution of the United States in regard to slavery, would be proper subjects for the consideration of a Southern conference, and would all come within the purview of the measure recommended by his Excellency. If any of them shall be demanded of the proposed Convention of the United States, they would at least serve to test the sincerity of the profession of the Northern Unionists.

On the other hand, those who believe in the efficiency of measures of restriction and commercial independence, must perceive that such measures would be far more effective if taken in concert. What benefit would result from non-importation into Richmond and Norfolk, if Edenton and Newbern and Beaufort received Northern goods as before? and what good effect would restrictions at Charleston serve, if Savannah should decline concurrence? The commercial independence of the South is certainly an object greatly to be desired. Is it possible to advance it more effectually than by the concerted action of the whole South?

And if a conference should do no more than to turn the eyes of the South from presidential elections and Federal office, and stir up our leading men to seek position at the South, and to advance and develop the resources of our own country, we shall have made a great advance towards the solution of our difficulties. And finally if the worst must come, and we must take our destinies into our own hands, a Southern conference is the necessary step to such arrangements as are requisite to take our place among the nations of the earth.

It is this last consideration that doubtless retards many from yielding to it their support. Such a meeting in 1775 led to the Revolution; and it is objected that the meeting of 1860 may lead to the same result. To this objection I answer that a similar meeting in 1765 led to the repeal of the stamp act; and if the mother country had acted with justice and moderation, they might have preserved to this day their union with the colonies. The meeting of 1775 led to Revolution because tyranny and oppression could no longer be borne, and they only can object to this result who will maintain that the Revolution was wrong, and that America should have crouched beneath the paw of the British lion. So also now, if just and moderate counsels shall prevail over fanaticism and tyranny—if the North shall follow the wise and sagacious advice of Pitt and Camden, then the same results will follow as in 1765. But if they move forward to their unholy purposes with the rancorous blindness of Lord North and his associates, then the precedent of 1775 is the fitting example for the South and the same catastrophy will be the fitting end of the drama. If such a result were right then, it would be right now; and if it be certain that the North will insist upon ruling us as subjects, when they have extinguished our constitutional

guarantees and refused our equal rights, then it is true we should at once seek our Washington to guide us through the new conflict that awaits us.

Unquestionably there is risk, but that risk is from the perseverance of our enemies in wrong. If they will do right all will be well. Must we then accept the alternative of unconditional submission because there is risk of revolution? Was there ever a prize to be attained without risk? It is the law of God that everything valuable must be attained by effort. "In the sweat of thy face shalt thou eat bread;" and this sentence is inwrought in all human possessions. Free institutions are among the most valuable of these, and they can only be maintained by constant and untiring effort.

> "Oh, freedom! thou art not, as poets dream,
> A fair young girl, with light and delicate limbs,
> And wavy tresses, gushing from her can.
> "A bearded man
> Armed to the teeth art thou; one mailed hand
> Grasps the broad shield; and one the sword;
> Thy brow,
> Glorious in beauty though it be, is scarred
> With tokens of old wars."

Mr. Speaker and Gentlemen,—I have done. I have executed my commission. I have discharged as faithfully as I can the high trust confided to me by South Carolina. I have delivered into the keeping of Virginia the cause of the South. You who occupy the seats of Washington and of Henry cannot decide this as an ordinary question of legislative duty. In your keeping is the glory of those noble spirits who have consecrated the soil upon which we stand. You cannot, you will not, dim the lustre which surrounds this capitol by extinguishing any of the lights which they have kindled; and may that God whose blessings we invoked at the beginning of this deliberation, now attend you to the end, and guide you to such a conclusion as will secure the welfare and happiness of our Southern country.

Following the address, the General Assembly of Virginia adopted the resolutions we have heretofore presented.

Mr. Memminger remained in Richmond for several days, awaiting the action of the General Assembly on the subject matter of his mission.

He was accompanied to the good old city on the James by his daughter, Miss Lucy, then in the bloom of lovely young womanhood. Her beauty and grace threw a peculiar charm around the social life of South Carolina's Com-

missioner, while she became the recipient of the most delicate attentions from the noble men and women of this old metropolis of elegant courtesies. Thus were formed those charming social attachments, which in after years made the home of the Secretary of the Treasury of the Confederate States, in Richmond, among the most attractive of the many that illustrated the graces of our Southern civilization at the capital of "Dixie."

Uncertain as to what action the Legislature of Virginia would take with reference to his mission, and assured that his presence in Richmond could not affect the ultimate action of the body, Mr. Memminger addressed the following letter to Governor Letcher, and returned to South Carolina:

RICHMOND, February 7, 1860.

His Excellency John Letcher, Governor of the State of Virginia:

DEAR SIR,—Having discharged the duties of my mission to the State of Virginia, I have been waiting in expectation of bearing back the answer of the General Assembly. But as that honorable body is not yet prepared to respond, and may desire still further time for deliberation. I have concluded to return home, and to request your Excellency to communicate to the Governor of South Carolina the final answer of the Assembly.

In taking leave of your Excellency, permit me to express the grateful remembrance which I shall bear with me, of the regard and respect which have been exhibited toward the people of South Carolina, and of the kindness and hospitality to myself. Whatever may be the issue of the present mission, I earnestly hope that it may serve more closely to unite our respective people in the bonds of mutual affection and good will.

With much respect, your obedient servant,

C. G. MEMMINGER

While there was no immediate result following upon the mission of Mr. Memminger—such as was hoped for by those who desired the withdrawal of the Southern States from the Union—yet it was far from being a failure. The logical and eloquent appeal made by him to the Virginia Legislature, reached the thinking men of the country, and prepared their

minds for the events which were soon to convulse the Union of States with the throes of a mighty revolution.

On reaching his home in Charleston, Mr. Memminger sent the following report of his mission to Governor Gist:

CHARLESTON, February 13, 1860.

His Excellency Wm. H. Gist, Governor of the State of South Carolina:

DEAR SIR,—I respectfully report to your Excellency, that upon the receipt of your appointment to the office of Commissioner to the State of Virginia, I proceeded to the city of Richmond. On my arrival there I was received by a committee of the General Assembly as the guest of the State of Virginia; and every attention which the most courteous and refined hospitality could suggest was exhibited toward me during my whole stay in Richmond.

The Governor of Virginia with considerate forecast, had prepared the way for my introduction to the General Assembly, and promptly communicated my credentials and the object of my mission; and I was invited by the General Assembly to explain at large the views of South Carolina before the assembled authorities of Virginia. This invitation I accepted, and the Governor and the Judges of the State, together with both branches of the General Assembly, met together at the Capitol to do honor to the State of South Carolina, and to evince their high respect for her message.

I herewith submit to your Excellency a summary of the address which I had the honor to deliver on that occasion, as the same was subsequently printed by order of the General Assembly.

After the delivery of this address, I remained in Richmond, in the expectation of bearing back to your Excellency the answer of the General Assembly of Virginia. That honorable body, however, was not prepared to make so speedy a response, and, under the circumstances, it seemed to me best that I should return home and await the result of their deliberations. Accordingly I addressed to the Governor of Virginia a final communication, of which a copy is enclosed, and on the 9th instant took leave of his Excellency and returned home.

Whatever may be the result of the mission in relation to the conference proposed, its effects cannot fail to be beneficial in other respects. The warm and kindly feeling which was exhibited to me, was, of course, the expression of that feeling towards the State which I represented, and every South Carolinian may justly share in it. On every occasion of public festivity or private intercourse, where our State or people were named, the demonstrations of kindness and respect were so marked as to evince the warmest sympathy and fellow-feeling. And although the extent of this great State, and the diversity of sentiment which yet pre-

vails among her people as to proper remedies may impair her unity and promptness of action, yet her high tone and the manly spirit of elevated patriotism manifested by her sons ensure her eventual support of the equal constitutional rights of the South.

These rights most of her people still think can yet be secured by measures within the Union; and the apprehension that the proposed conference must lead to disunion has hitherto been the hindrance to its adoption. This apprehension, I have endeavored to show, can only become serious in case the North shall refuse justice to the South. If the constitutional rights of the South be set at naught—if her security be disregarded—if a sectional party takes possession of the government and delivers up the South without any constitutional protection to the combined hatred of fanaticism and faction, then the Union becomes an instrument of tyranny, and the South its victim. In that case, truly, the apprehension of disunion from a conference would be just. But if, as many in Virginia believe, there is yet fraternal feeling enough existing at the North to stay the tide of fanaticism and to do justice to the South, then the apprehension of disunion from a conference is without foundation. On the contrary, a conference becomes, in fact, the very best instrument to assist the supposed fraternal feeling of the North. It would bring to its aid the united action of the South, and by presenting a bold and manly front would compel the adversary to respect their rights and yield to their demand.

This view of the subject seems so just that I cannot doubt but that it will finally prevail in Virginia. The defenders of Southern rights there are firm and elevated patriots. They will not be deterred by present difficulties; and even should they fail at present in carrying a Southern Conference, I have an abiding conviction that they will be sustained by their people, and that Virginia will assuredly take her place in the united council of the South. With much respect,

Your obedient servant,

C. G. Memminger.

The following is a copy of the reply of Governor Gist:

Executive Department,
Unionville, S. C., Feb. 30, 1860.

Hon. C. G. Memminger:

Dear Sir,—In acknowledging the receipt of your report on your mission to the State of Virginia, accompanied with a copy of your address before the Legislature, it affords me great pleasure to say that the views presented and arguments advanced seem to me unanswerable. And although Virginia may hesitate or refuse to act at present, the power of truth will ultimately prevail, and she will take her proper place as a

leader of the South in maintaining our rights and redressing our wrongs in or out of the Union.

Whatever may be the result of your mission in other respects, Virginia has certainly given evidence, in the courtesy and kindness extended to you, and in the respectful consideration of the resolutions, of her high regard for South Carolina, and of a proper appreciation of her motives, for which she is entitled to our respectful acknowledgments.

Allow me to congratulate you, sir, upon the faithful and able manner in which you have discharged the high trust committed to you, and to thank you, in the name of the State, for your distinguished services.

WILLIAM H. GIST.

CHAPTER VII.

Secession of South Carolina from the Union.

. . . . . .

THE approval thus made by the Governor of the State, which Mr. Memminger had so well represented, was but the just appreciation of his people who had read with great satisfaction the reports of his mission to Virginia made through the daily press.

No people have been more ready, at all proper times, to applaud a worthy achievement, and none have done so with more becoming grace, or with a more sincere appreciation of merit than those who had entrusted the dignity of their State and the righteousness of their cause to Mr. Memminger as their ambassador to Virginia. The editorial comments of the leading journals of South Carolina not only, but throughout the South, were tributes to the excellency of the man, and of congratulations to the people, just to the one and a grateful recognition of obligations on the part of the other.

This was especially the case in Charleston, where Mr. Memminger had grown into the full stature of a great man; where from infancy to mature years he had lived and labored, and where he had evidenced the virtues of a noble citizenship in a life that had been an open book, "read and known of all men."

The hope that had been entertained and at times encouraged by the action of the few conservative members of the Free-Soil party, that the Supreme Court of the United States would set at rest the questions growing out of the annexation of the Western Territories, proved to be ill-founded and delusive.

The decade from 1850 to 1860 was one continued period of excitement in which the aggressive spirit of the abolitionists aroused the people of the Southern States to a full realization of the danger that not only jeopardized their material interests, but threatened their peaceful homes with the horrors of internecine war.

The great Calhoun had appeared for the last time in the Senate, and had made his last logical protest against the encroachments which prejudice and passion had made and were making upon the chartered rights of the States. In vain had he sought to amend that charter so as to provide for a permanent settlement of all questions growing out of the institution of slavery, and to bring tranquility to his distracted country. The great Webster had for the last time condemned the fanaticism of the abolitionists, and with the earnestness of sincere convictions had opposed all congressional legislation designed to regulate the institution of slavery as being unwarranted by the Constitution. The great Clay had made his last effort at pacification.

This mighty triumvirate of American statesmen had been gathered to their fathers, and with their warnings, their forebodings and appeals, to the patriotism, the moderation and the wisdom of the people, they had honored in their long service, lingering as echoes of the forum, they had left to other spirits and to other minds the welfare of the States.

Year after year the zeal of the abolitionists had made their purpose more and yet more evident, and as the aggressive spirit of this party gathered strength with increasing numbers those who were the most zealous became unscrupulous in the methods adopted to give expression to their fanaticism. The struggle for Kansas, under the influence of the "Squatter Sovereignty" doctrine of Senator Douglas, had brought about sharp and bloody conflicts between the slavery and the anti-slavery factions in that Territory.

John Brown had made himself notorious and had become among the abolitionists the eulogized type of their fanatical partisans. Not content with his bloody deeds in the West, he had organized a band of kindred spirits, and without warning, had made an invasion of Virginia, at Harper's Ferry, with the avowed purpose of liberating the slaves and inciting an insurrection among them. Finally the Free-Soil party, the several abolition societies of the New England and Northern States, with the ambitious and dissatisfied among the Whigs, and from other political organizations, had united themselves into an organization known as the *National Republican Party.*

The *Democratic* party, which for many years had controlled the administration of the Federal government, had become dismembered. The Convention of 1859 forced the issue upon which this great political organization divided into two factions—the one known as the National Democratic party, lead by Stephen A. Douglas, and the other *State Rights' Democratic Party,* and lead by John C. Breckinridge.

The election for President and Vice-President of the United States was about to transpire when the Legislature of South Carolina convened in extra session on the fifth of November, 1860, in compliance with the proclamation of Governor Gist. This extra session was called ostensibly for the purpose of appointing electors of President and Vice-President, in conformity with the act of Congress, which fixed the time when these electors were to be appointed on a day when the legislature of the State was not in session. In his message to this Legislature, Governor Gist uses the following language :

Under ordinary circumstances your duty could be soon discharged by the election of electors representing the choice of the people of the State; but in view of the threatening aspect of affairs, and the strong probability of the election to the Presidency of a sectional candidate by

a party committed to the support of measures which, if carried out, will inevitably destroy our equality in the Union, and ultimately reduce the Southern States to mere provinces of a consolidated despotism, to be governed by a fixed majority in Congress, hostile to our institutions, and fatally bent upon our ruin, I would respectfully suggest that the Legislature remain in session and take such action as will prepare the State for any emergency that may arise.

That an expression of the will of the people may be obtained on a question involving such momentous consequences, I would earnestly recommend that in the event of the election of Abraham Lincoln to the Presidency, a convention of the people of this State be immediately called to consider and determine "the mode and measure of redress."

The success of the Republican party in electing Mr. Lincoln to the Presidency, although by a minority vote, as compared with that received by the other candidates jointly, having been announced, resolutions were introduced into the House of Representatives and also in the Senate, declaring it to be the duty of South Carolina to at once withdraw from the Federal Union, and that for this purpose a convention of the people should be called to assemble at an early day.

These several resolutions were embodied in the form of "A bill to provide for the calling of a convention of the people of the State," which passed both Houses of the Legislature by so large a majority as to be practically unanimous.

In compliance with the provisions of this bill, delegates from the several districts and parishes of the State were elected who assembled in Convention at Columbia, on the 17th day of December, 1860.

No more important or more representative assembly had ever before met to pass in judgment upon the welfare of the people of South Carolina. The great object had in view had been distinctly set forth in the act of the Legislature calling the Convention, and hence following not alone a time-honored custom, that had from colonial days evidenced their wisdom, but impressed with the responsibility of the

act, the people had selected their best men to represent their spirit and to execute their deliberate judgment. The following list embraces the names of the delegates chosen to this Convention. Among them are many who had become distinguished for their virtues of manhood, and in the service of the State:

D. F. JAMISON, Delegate from Barnwell, and President Convention.

Thos. Chiles Perrin,	George W. Seabrook,	T. L. Gourdin,
Edw. Noble,	John Jenkins,	John S. Palmer,
J. H. Wilson,	R. J. Davant,	John L. Nowell,
Thomas Thomson,	E. M. Seabrook,	John S. O'Hear,
David Lewis Wardlaw,	John J. Wannamaker,	John G. Landrum,
Jno. Alfred Calhoun,	Elias B. Scott,	B. B. Foster,
John Izard Middleton,	Joseph E. Jenkins,	Benj. F. Kilgore,
Benj. E. Sessions,	Langdon Cheves,	Jas. H. Carlisle,
J. N. Whitner,	George Rhode,	Simpson Bobo,
James L. Orr,	A. G. Magrath,	Wm. Curtis,
J. P. Reed,	Wm. Porcher Miles,	H. D. Green,
R. F. Simpson,	John Townsend,	Matthew P. Mays,
Benj. F. Mauldin,	Robert N. Gourdin,	Thos. R. English, Sr.,
Lewis M. Ayer, Jr.,	H. W. Conner,	Albertus C. Spain,
W. Peronneau Finley,	Theodore D. Wagner,	J. M. Gadberry,
J. J. Brabham,	R. Barnwell Rhett,	J. S. Sims,
Benj. W. Lawton,	C. G. Memminger,	Wm. H. Gist,
John McKee,	Gabriel Manigalt,	James Jefferies,
Thomas W. Moore,	John J. Pringle Smith,	Anthony W. Dozier,
Richard Woods,	Isaac W. Hayne,	John G. Pressley,
A. Q. Dunovant,	John H. Honour,	R. C. Logan,
John A. Inglis,	Richard De Treville,	Francis S. Parker,
Henry McIver,	Thomas M. Hanckel,	Benj. Faneuil Dunkin,
Stephen Jackson,	A. W. Burnett.	Samuel T. Atkinson,
Jos. Daniel Pope,	Thomas Y. Simons,	Alex. M. Forster,
C. P. Brown,	L. W. Spratt,	Wm. B. Wilson,
John M. Shingler,	Williams Middleton,	Robert T. Allison,
Daniel Du Pre,	F. D. Richardson,	Samuel Rainey,
A. Mazyck,	B. H. Rutledge,	A. Baxter Springs,
William Cain,	Edward McCrady,	A. I. Barron,
P. G. Snowden,	Francis J. Porcher,	A. T. Darby,
W. Pinckney Shingler,	James Chesnut, Jr.,	Simeon Fair,
Peter P. Bonneau,	Joseph B. Kershaw,	Thomas W. Glover,
John P. Richardson,	Thomas W. Beaty,	Lawrence M. Keitt,
John L. Manning,	William J. Ellis,	Donald R. Barton,

John J. Ingram,
Edgar W. Charles,
Julius A, Dargan,
Isaac D. Wilson,
John M. Timmons,
Francis H. Wardlaw,
R. G. M. Dunovant,
James P. Carroll,
Wm. Gregg,
Andrew J. Hammond,
James Tompkins,
James C. Smyly,
John Hugh Means,
William S. Lyles,
Henry C. Davis,
John Buchanan,
James C. Furman,
P. E. Duncan,
W. K. Easley,
James Harrison,
W. H. Campbell,
R. L. Crawford,
W. C. Cauthen,
D. P. Robinson,
H. C. Young,
H. W. Garlington,
John D. Williams,
W. D. Watts,
Thomas Wier,
H. I. Caughman,
John C. Geiger,
Paul Quattlebaum,
W. B. Rowell,
Chesley D. Evans,
Wm. W. Harlee,
A. W. Bethea,
E. W. Goodwin,
William D. Johnson,
Alex. McLeod,
John P. Kinard,
Robert Moorman,
Joseph Caldwell,
Wm. Hunter,
Andrew F. Lewis,
Robert A. Thompson,
William S. Grisham,
John Maxwell,
John E. Frampton,
W. Ferguson Hutson,
W. F. De Sassassure,
William Hopkins,
James H. Adams,
Maxey Gregg,
John H. Kinsler,
Ephraim M. Clarke,
Alex. H. Brown,
E. S. P. Bellinger,
Merrick E. Carn,
E. R. Henderson,
Peter Stokes,
Daniel Flud,
David C. Appleby,
R. W. Barnwell,

T. J. Withers.

Attest: BENJ. F. ARTHUR, Clerk of the Convention.

It is not my purpose to give in detail the proceedings of this Convention, ever memorable in the history of South Carolina and of the United States. This has already been done to a great extent by others; and in this work I desire to avoid, as much as possible, the repetition of a history that can be readily obtained in another form.

Conspicuous among these representative men of his State in this Convention was Mr. Memminger. If there had ever been a doubt of his extraordinary abilities, his integrity of manhood or of his statesmanship, this had been set at rest by his course of procedure and his masterly address before the Legislature of Virginia. When the great emergency at last came and his people were called upon to select their representatives in a convention that was to resume for their State a position of sovereignty among the nations, they called to their service the man who, under every or-

deal of trial, had for more than three decades proven his fidelity and evidenced his devoted patriotism. Upon the organization of the Convention Hon. David F. Jamison was chosen president—a citizen, who, in the graces of an accomplished gentleman, and in his chivalric spirit, was a type of the men who had made the history and who illustrated the civilization of his State.

Without unnecessary delay such committees were appointed by him as were necessary to formulate the work of the Convention. Most important among these was the committee to which was entrusted the duty of preparing an address setting forth the causes which induced and justified the secession of South Carolina from the Federal Union and of preparing an Ordinance of Secession.

The committee to draft a statement of the causes which justified the secession of South Carolina was composed of the following delegates: C. G. Memminger, F. H. Wardlaw, R. W. Barnwell, J. P. Richardson, B. H. Rutledge, J. E. Jenkins, P. E. Duncan.

To draft an Ordinance of Secession: John A. Inglis, R. B. Rhett, James Chestnut, Jr., James L. Orr, Maxey Gregg, B. F. Dunkin, W. H. Hutson.

In anticipation of the action of the Convention, and as a part of the preliminary proceedings of that body, Mr. Memminger prepared the following "*Suggestions for the Declaration and Ordinance of Secession to be proposed to the Convention*," which were printed for the use of that body:

The State of South Carolina, having determined to secede from the Union of the United States of America and to resume her separate and equal place among nations, deems it due to herself, to the United States, and to the other nations of the world, that she should declare the reasons which have led to this result.

In the year 1765, that portion of the British Empire which embraced Great Britain undertook to make laws for the government of that portion which embraced America. A struggle for the right of self-govern-

ment ensued, which resulted, on the fourth July, 1776, in a declaration, by the thirteen American colonies, "that they are, and of right ought to be, free and independent States; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do."

They further solemnly declared that whenever any "form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it and to institute a new government." Deeming the government of Great Britain, to which they were then subject, to have become destructive of these ends, they declared that the Colonies "are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."

In pursuance of this Declaration of Independence, each of the thirteen States proceeded to exercise its separate sovereignty, adopted for itself a constitution, and appointed officers for the administration of government in all its departments—Legislative, Executive and Judicial. For purposes of defense they united their arms and their counsels, and in 1778 they entered into a league known as the Articles of Confederation, whereby they agreed to entrust the administration of their external relations to a common agent known as the Congress of the United States, expressly declaring, in the first article, "that each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this Confederation expressly delegated to the United States in Congress assembled."

Under this Confederation the War of the Revolution was carried on, and on the 3d of September, 1783, the contest ended, and a definitive treaty was signed by Great Britain, in which she acknowledged the independence of the Colonies in the following terms:

"Article I.—His Britannic Majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free, sovereign and independent States; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof."

Thus were established the two great principles asserted by the Colonies—namely, the right of a people to govern itself, and the right to abolish a government which becomes destructive of the ends for which it was instituted. And concurrent with the establishment of these principles was the fact that each Colony became and was recognized by the mother country as a *free, sovereign and independent State.*

In 1787 deputies were appointed by the States to revise the Articles of Confederation, and on the 17th of September, 1787, these deputies recommended, for the adoption of the States, new articles of union, known as the Constitution of the United States. The parties to whom this Constitution was submitted were the several sovereign States; they were to agree or disagree, and when nine agreed, the compact was to take effect among those concurring; and the general government, as the common agent, was then to be invested with their authority.

Duties were charged on the several States by this Constitution, and the exercise of certain powers restrained, which necessarily implied their continued existence as sovereign States. But, to remove all doubt, an amendment was added, which declared that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. On 23d of May, 1788, and the 20th of January, 1790, South Carolina, by conventions of her people, passed ordinances assenting to this Constitution and its amendments, and, shortly afterwards, altered her own Constitution to conform herself to the new obligations she had undertaken.

Thus was established by compact between the States, a government with defined objects and powers, limited to the express words of the grant, and to so much more only as was necessary to execute the power granted. That government, like every other, was subject to the two great principles asserted by the Declaration of Independence, but the mode of its formation subjected it to another fundamental principle. Like every other compact or agreement between two or more parties, the obligations of this Constitution were mutual, and the failure of one party to perform a material undertaking, entirely releases the obligation of the other. In cases of admitted failure, the right of the other party to set aside the compact is perfect; and where the fact of failure is disputed, unless an arbiter is provided, each party is remitted to his own judgment, to determine the fact with all its consequences.

The state of facts upon which South Carolina is now called to act, is disembarrassed of this uncertainty, and makes perfect her right to secede from the Union. The Constitution of that Union expressly provides that fugitives from justice and fugitives from labor, shall be delivered up by the State into which they may escape, the former to the public authorities, and the latter to the private owner. These stipulations were such material elements to the compact that it could not have been made without them; and, so important was that in relation to labor, that it had previously been made a condition, by the State of Virginia, for the surrender of that territory which now composes the States north of the Ohio river.

The general government, as the common agent, passed laws to carry into effect these stipulations of the States. For many years these laws

were executed. But an increasing hostility on the part of the Northern States to the institution of slavery, has led to a disregard of their obligations, and the laws of the general government have ceased to effect the objects of the Constitution. Fifteen of the States have passed laws which either nullify the acts of Congress, or render useless any attempt to carry them into effect. The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Illinois, Indiana, Ohio, Michigan, Wisconsin and Iowa, have each placed such laws on their statute book. In the State of New York even the right of transit for a slave has been denied by her tribunals; and the States of Ohio and Iowa have refused to surrender to justice fugitives charged with murder and inciting servile insurrection in the State of Virginia. Thus the constitutional compact has been deliberately broken and disregarded by the non-slave-holding States, and the consequence follows that South Carolina is released from its obligation.

The ends for which this Constitution was framed are declared by itself to be to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

These ends it endeavored to accomplish by a Federal government, in which each State was recognized as an equal, and had separate control over its own institutions. The right of property in slaves was recognized by giving to their owners political rights, and burthening them with direct taxes for three-fifths of their number; by authorizing the importation of them for twenty years, and by stipulating for the rendition of fugitives.

But the ends for which that government was instituted have all been defeated by the people of the non-slave-holding States. The institution of slavery has been denounced by them as sinful; societies have been established among them, whose avowed object is to disturb the peace and eloign the property of their Southern neighbors. Thousands of slaves have been encouraged and assisted to leave their homes; and those who remain have been incited by emissaries, books and pictures to servile insurrection.

For twenty-five years this agitation has been steadily increasing, until it has finally secured to its aid the powers of the common government. The last election for President has advanced to that office a man who has distinctly and deliberately declared that States with different domestic institutions—some free labor, some slave labor—cannot exist together in the Union. The party which has elected him is altogether sectional. It has drawn a geographical line across the Union, on one side of which are the ruling majority, and on the other the subject minority. That party is united together by a sectional question, and is urged on by sectional interest and religious animosity. It has an-

nounced that the South shall be excluded from the common territory; that the judicial tribunals shall be sectionalized and that a war must be waged against slavery until it shall cease to exist throughout the United States.

The election gives to this party possession of the government on the 4th of March; the guaranties of the Constitution will then no longer exist; the equal rights of the States will be lost, and the government will have become destructive of the ends for which it was created. The South will no longer have the power of self-government or self-protection; and the hope of remedy within the Union is rendered vain, by the fact that Northern opinion has invested a great political error with the dangerous sanctions of a more erroneous religious belief.

We, therefore, the people of South Carolina, by our delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do hereby solemnly declare, that the Union heretofore existing between this State and the other States of America, is dissolved, and that the State of South Carolina resumes her position among the nations of the world, as a free, sovereign and independent State; with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.

And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

1. Be it, therefore, ordained, By the people of South Carolina, by their delegates, now met and sitting in Convention, that the Ordinances adopted by us in Convention, on the 23d of May, 1788, and 20th January, 1790, whereby the Constitution of the United States of America was ratified and amended; and, also, all acts and parts of acts of the General Assembly of this State, ratifying amendments of the said Constitution, be and they are hereby repealed; that the Union now subsisting between South Carolina and the other States united in the Union, heretofore known as the United States of America, is hereby dissolved; and that the citizens and inhabitants of South Carolina are released from all obligation of obedience to the Constitution of the United States.

And be it further ordained, That all acts of the Congress of the United States shall cease to have any force or effect in South Carolina, saving, that any criminal under sentence, shall suffer the penalty of his crime, under the charge of the proper State officers, unless pardoned by the Governor of this State.

3. Be it further ordained, That all judgments and decrees of the courts of the United States heretofore rendered and entered of record in this State shall have the same force and effect in South Carolina as they had before the passing of this Ordinance, and may be enforced in the proper courts of South Carolina having jurisdiction of the like cases.

4. And be it further ordained, That all treaties now of force between the United States and any foreign power shall continue to have the same force and effect in this State as they had before the passing of this Ordinance, until the same shall have been disclaimed, or lawfully altered or abrogated.

RESOLUTIONS.

1. Resolved, That it is the opinion of this Convention that the State of South Carolina should forthwith secede from the Union of the United States of America.

2. Resolved, That a committee consisting of ———— be appointed to draft the Ordinance of Secession.

3. Resolved, That a committee of ———— members be appointed to draft an address to the slave-holding States.

4. Resolved, That a committee of ———— members be appointed to draft an address to the people of the United States.

5. Resolved, That a committee of ———— members be appointed to report what amendments are proper to be made to the Constitution of the State, including therein the proper measures in relation to citizenship and naturalization.

6. Resolved, That a committee of ———— members be appointed to report such measures as may be necessary and proper for the immediate defense of the State.

7. Resolved, That a committee of ———— members be appointed to report the proper measures to be adopted for carrying on the trade and commerce of the State.

8. Resolved, That a commission, to consist of three persons, be elected by ballot of this Convention to proceed to Washington to negotiate with the United States, acting through their general government, as to the proper measures and arrangements to be made or adopted in the existing relations of the parties, and for the continuance of peace and amity between them.

9. Resolved, That five persons be elected by this Convention by ballot, who shall be authorized to meet such Deputies as may be appointed by any other slave-holding State, for the purpose of organizing or forming a Southern Confederacy, with power to discuss and settle a Constitution, or plan of Union, to be reported to the said States for their ratification, amendment or rejection. That the said Deputies shall invite a meeting at Columbia, or at such other place as may be agreed upon among the Deputies of the several States, and shall report to this Convention such Constitution or Articles as may be agreed on by said Deputies.

In connection with these suggestions, which were submitted at an early day in the proceedings of the Convention, I present the *Declaration and Ordinance of Secession* as the

same was adopted by the Convention on the twenty-fourth of December, 1860, and printed by order of the same.

By comparing these the reader will readily recognize the "suggestions" of Mr. Memminger embodied in the Declaration of the Convention. Hence he has been reputed to have been the author of the Ordinance of Secession.

DECLARATION OF THE IMMEDIATE CAUSES WHICH INDUCE AND JUSTIFY THE SECESSION OF SOUTH CAROLINA FROM THE FEDERAL UNION.

The people of the State of South Carolina, in Convention assembled, on the twenty-sixth day of April, A. D., 1852, declared that the frequent violations of the Constitution of the United States by the Federal government, and its encroachments upon the reserved rights of the States, fully justify this State in then withdrawing from the Federal Union; but, in deference to the opinions and wishes of the other slave-holding States, she forbore at that time to exercise this right. Since that time these encroachments have continued to increase, and further forbearance ceases to be a virtue.

And now the State of South Carolina, having resumed her separate and equal place among nations, deems it due to herself, to the remaining United States of America, and to the nations of the world, that she should declare the immediate causes which have led to this act.

In the year 1765, that portion of the British Empire embracing Great Britain undertook to make laws for the government of that portion composed of the thirteen American Colonies. A struggle for the right of self-government ensued, which resulted, on the fourth of July, 1776, in a declaration, by the Colonies, "that they are, and of right ought to be, *free and independent States*, and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do."

They further solemnly declared that whenever any "form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it and to institute a new government." Deeming the government of Great Britain to have become destructive of these ends, they declared that the Colonies "are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."

In pursuance of this Declaration of Independence, each of the thirteen States proceeded to exercise its separate sovereignty, adopted for itself a constitution, and appointed officers for the administration of government in all its departments—Legislative, Executive and Judicial.

For purposes of defense they united their arms and their counsel, and in 1778 they entered into a league, known as the Articles of Confederation, whereby they agreed to entrust the administration of their external relations to a common agent, known as the Congress of the United States, expressly declaring, in the first article, "that each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not, by this Confederation, expressly delegated to the United States in Congress assembled."

Under this Confederation the War of the Revolution was carried on, and on the third September, 1783, the contest ended, and a definitive treaty was signed by Great Britain, in which she acknowledged the independence of the Colonies in the following terms:

"ARTICLE I. His Britannic Majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be *free, sovereign and independent States;* that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same and every part thereof."

Thus were established the two great principles asserted by the Colonies, namely: The right of a State to govern itself; and the right of a people to abolish a government when it becomes destructive of the ends for which it was instituted. And concurrent with the establishment of these principles, was the fact, that each Colony became and was recognized by the mother country as a *free, sovereign and independent State.*

In 1787, Deputies were appointed by the States to revise the Articles of Confederation, and on the 17th September, 1787, these Deputies recommended, for the adoption of the States, the Articles of Union, known as the Constitution of the United States.

The parties to whom this Constitution was submitted, were the several sovereign States; they were to agree or disagree, and when the nine of them agreed, the compact was to take effect among those concurring; and the general government, as the common agent, was then to be invested with their authority.

If only nine of the thirteen States had concurred, the other four would have remained as they then were—separate, sovereign States, independent of any of the provisions of the Constitution. In fact, two of the States did not accede to the Constitution until long after it had gone into operation among the other eleven; and during that interval, they each exercised the functions of an independent nation.

By this Constitution, certain duties were imposed upon the several States, and the exercise of certain of their powers was restrained, which necessarily implied their continued existence as sovereign States. But, to remove all doubt, an amendment was added, which declared that the

powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people. On 23d May, 1788, South Carolina, by a convention of her people, passed an Ordinance assenting to this Constitution, and afterwards altered her own Constitution, to conform herself to the obligations she had undertaken.

Thus was established, by compact between the States, a government, with defined objects and powers, limited to the express words of the grant. This limitation left the whole remaining mass of power subject to the clause reserving it to the States or to the people, and rendered unnecessary any specification of reserved rights.

We hold that the government thus established is subject to the two great principles asserted in the Declaration of Independence; and we hold further, that the mode of its formation subjects it to a third fundamental principle, namely: the law of compact. We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other; and that where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences.

In the present case that fact is established with certainty. We assert that fourteen of the States have deliberately refused for years past to fulfil their constitutional obligations, and we refer to their own statutes for the proof.

The Constitution of the United States, in Article IV., provides as follows:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

This stipulation was so material to the compact that without it that compact would not have been made. The greater number of the contracting parties held slaves, and they had previously evinced their estimate of the value of such a stipulation by making it a condition in the Ordinance for the government of the territory ceded by Virginia, which now composes the States north of the Ohio river.

The same article of the Constitution stipulates, also, for rendition by the several States of fugitives from justice from the other States.

The general government, as the common agent, passed laws to carry into effect these stipulations of the States. For many years these laws were executed. But an increasing hostility on the part of the non-slaveholding States to the institution of slavery has led to a disregard of their obligations, and the laws of the general government have ceased to effect the objects of the Constitution. The States of Maine, New Hamp-

shire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin, and Iowa have enacted laws which either nullify the acts of Congress or render useless any attempt to execute them. In many of these States the fugitive is discharged from the service or labor claimed, and in none of them has the State government complied with the stipulation made in the Constitution. The State of New Jersey, at an early day, passed a law in conformity with her constitutional obligation; but the current of anti-slavery feeling has led her more recently to enact laws which render inoperative the remedies provided by her own law and by the laws of Congress. In the State of New York even the right of transit for a slave has been denied by her tribunals; and the States of Ohio and Iowa have refused to surrender to justice fugitives charged with murder and with inciting servile insurrection in the State of Virginia. Thus the constitutional compact has been deliberately broken and disregarded by the non-slave-holding States, and the consequence follows that South Carolina is released from her obligation.

The ends for which this Constitution was framed are declared by itself to be "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

These ends it endeavored to accomplish by a Federal government, in which each State was recognized as an equal, and had separate control over its own institutions. The right of property in slaves was recognized by giving to free persons distinct political rights by giving them the right to represent, and burthening them with direct taxes for three-fifths of their slaves; by authorizing the importation of slaves for twenty years, and by stipulating for the rendition of fugitives from labor.

We affirm that these ends for which this government was instituted have been defeated and the government itself has been made destructive of them by the action of the non-slave-holding States. Those States have assumed the right of deciding upon the propriety of our domestic institutions; and have denied the rights of property established in fifteen of these States and recognized by the Constitution; they have denounced as sinful the institution of slavery; they have permitted the open establishment among them of societies whose avowed object is to disturb the peace and to eloign the property of the citizens of other States. They have encouraged and assisted thousands of our slaves to leave their homes; and those who remain have been incited by emissaries, books and pictures to servile insurrection.

For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the common government. Observing the forms of the Constitution, a sectional party has found

within that article establishing the Executive Department the means of subverting the Constitution itself. A geographical line has been drawn across the Union, and all the States north of that line have united in the election of a man to the high office of President of the United States whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the common government because he has declared that that "government cannot endure permanently half slave, half free," and that the public mind must rest in the belief that slavery is in the course of ultimate extinction.

This sectional combination for the subversion of the Constitution has been aided in some of the States by elevating to citizenship persons who by the supreme law of the land are incapable of becoming citizens; and their votes have been used to inaugurate a new policy hostile to the South and destructive of its peace and safety.

On the fourth of March next this party will take possession of the government. It has announced that the South shall be excluded from the common territory; that the judicial tribunals shall be made sectional, and that a war must be waged against slavery until it shall cease throughout the United States.

The guaranties of the Constitution will then no longer exist; the equal rights of the States will be lost. The slave-holding States will no longer have the power of self-government or self-protection, and the Federal government will have become their enemy.

Sectional interest and animosity will deepen the irritation, and all hope of remedy is rendered vain, by the fact that public opinion at the North has invested a great political error with the sanctions of a more erroneous religious belief.

We, therefore, the people of South Carolina, by our delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this State and the other States of North America, is dissolved, and that the State of South Carolina has resumed her position among the nations of the world, as a separate and independent State; with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.

AN ORDINANCE TO DISSOLVE THE UNION BETWEEN THE STATE OF SOUTH CAROLINA AND OTHER STATES UNITED WITH HER UNDER THE COMPACT ENTITLED "THE CONSTITUTION OF THE UNITED STATES OF AMERICA."

We, the people of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained:

That the Ordinance adopted by us in Convention, on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America

was ratified, and also, all acts and parts of acts of the General Assembly of this State, ratifying amendments of the said Constitution, are hereby repealed; and that the union now subsisting between South Carolina and other States, under the name of "The United States of America," is hereby dissolved.

It is not my purpose to refer any further, in this work, to the action of this memorable Convention. A full history of its proceedings would make in itself a volume, which I regret to say has not yet been placed among the records of South Carolina. I have now in mind a duty to perform, as the biographer of Mr. Memminger, which requires me to leave the proceedings of this Convention for another compilation, which if not undertaken by the writer will doubtless at some time engage the attention of another quite as capable. I might have followed the course of Mr. Memminger in the Convention at considerable length, and in so doing would have but added to the many evidences already given of his faithfulness in the discharge of duty, his untiring energies; of his disinterested patriotism, and of that earnest spirit which carried the logic of his discourse with irresistible force to the minds of his hearers. Suffice it now to say, that before leaving the Convention and transferring to another body the honorable trust of service confided to him, he had formulated much of the new legislation necessary to conform South Carolina to her changed relations to the United States and to the nations of the world.

The secession of South Carolina from the Federal Union was followed in rapid succession by the States of Florida, Alabama, Mississippi, Georgia, Louisiana and Texas. In anticipation of this action by the Southern States, and in order to meet with them through delegates who would properly represent their sovereignty in a Congress, the Convention proceeded to elect eight delegates, two being chosen for the Senators, and six for the members of the House of Representatives who had heretofore represented the State in

the Federal Congress. Mr. Memminger and Judge Thomas J. Withers were elected for the Senators, and Robert W. Barnwell, R. B. Rhett, W. W. Boyce, James Chestnut, Wm. P. Miles and L. M. Keitt, for the Representatives. This Congress assembled at Montgomery on the 4th of February, 1861, with the object in view of devising the best means for preserving the sovereignty of the several seceded States in an association of general government, for the mutual protection and benefit of each other. The following list contains the names of the delegates from the several States who presented their credentials in form and were duly enrolled as members of the Congress:

Alabama—R. W. Walker, R. H. Smith, J. L. M. Curry, W. P. Chilton, S. F. Hale, Coling. T. McRea, John Gill Shorter, Daniel R. Lewis, Thomas Fearn.

Florida—James B. Owens, J. Patton Anderson, Jackson Morton.

Georgia—Robert Toombs, Howell Cobb, E. A. Nisbet, A. H. Stephens, Benj. H. Hill, Thomas R. R. Cobb, F. S. Bartow, M. J. Crawford, A. H. Kenan, A. R. Wright.

Louisiana—Charles M. Conrad, John Perkins, Jr., A. L. DeClouet, D. F. Kenan, Henry Marshall, G. S. Sparrow.

Mississippi.—W. P. Harris, Walter Brooks, N. L. Wilson, A. M. Clayton, W. S. Barry, J. T. Harrison.

Texas.—Louis T. Wigfall, J. H. Reagan, J. Hemphill, T. N. Waul, W. B. Ochiltree, J. Oldham.

South Carolina.—Delegates heretofore named.

The delegates from Texas were not present at the organization of the Congress, but appeared shortly thereafter, and were duly admitted to seats, upon qualifying, as required by the rules previously adopted

The Congress was temporarily organized by the selection of the Hon. Robert W. Barnwell, of South Carolina, as chairman, and Mr. Albert R. Lamar, of Georgia, as secre-

tary. Subsequently a permanent organization was effected by the election of the Hon. Howell Cobb, of Georgia, as president, and Mr. J. J. Hooper, of Alabama, as secretary. The deliberations of this Congress were not interfered with by any outside influences beyond those sought by the members, as the daily sessions were held with closed doors. Whatever that legislation was, good or bad, wise or unwise, it was formulated by the several committees appointed by the President, or at least met their sanction before being acted upon by Congress.

The following names are those of the chairmen of these committees, who, to a large extent, were responsible for the enactments of this Congress and for the general policy pursued in the organization and conduct of the several departments of the Confederate government:

Executive Department.—A. H. Stephens.
Military Affairs.—F. S. Bartow.
Finance.—Robert Toombs.
Judiciary.—A. M. Clayton.
Commerce.—C. G. Memminger.
Naval Affairs.—C. M. Conrad.
Public Lands.—Henry Marshall.
Postal Affairs.—W. P. Chilton.
Foreign Affairs.—R. B. Rhett.
Territories.—James Chestnut.
Indian Affairs.—Jackson Morton.
Printing.—Thomas R. R. Cobb.
Accounts.—James B. Owens.
Patents.—Walter Brooks.
Engrossment.—John G. Shorter.

To these chairmen, and certainly to the reports and recommendations of their committees, can be traced the initial legislation which subsequently, and of necessity, directed the course of the Executive Departments of the gov-

ernment. The earnest spirit and harmony that characterized the action of this Congress is evidenced in the fact that on the eighth of February, on the fourth day of the assembly, a Constitution for the Provisional government of the seceded States was reported and unanimously adopted. Indeed, before leaving the convention of each State, the consideration of the subject of confederation with the other States had been under consideration by the delegates, and their opinions freely expressed. Under all the circumstances of his public life, Mr. Memminger was found to be ready for emergencies. He would assume no position, nor would he undertake an obligation of responsibility without due consideration, but never with that vacillating judgment of the weak, which is always considering and never acts with promptness or decision. His forecast, as with all great men, was not mere guess work, nor was it made under the impulse of an intuition, but it was the careful conclusion of a process of reasoning, that reached a logical effect from a knowledge of causes that were uniform and active in their operations. Hence he was always preparing for an emergency, and was found ready to meet it, unless his plans were altered, or circumvented by the action of others, whose course he could not control.

Anticipating the adoption of a constitution by the provisional Congress, to which he had been elected a delegate, he freely exchanged opinions with regard to its provisions with those who for many years had been associated with him in the Legislature of his State, and whom he met in the convention of his people, desiring, as he did, to secure the cooperation and united sympathies of the States having a common cause with South Carolina. Among the few of these worthy men who have survived, and who yet in strength, and with the graces of a gentle manhood, wear the old man's crown of glory, is the Hon. Joseph D. Pope, of Columbia,

South Carolina. It gives me pleasure to acknowledge the kindness of this excellent gentleman and distinguished jurist, whose detail of the incidents and of the acts of the Secession Convention of South Carolina have greatly entertained me.

Mr. Pope informs me that in a candid debate in the State Convention, concerning the organization of the Confederate government, and as to the machinery with which it was to be run, the question under consideration being, should the Montgomery Convention refer the constitution adopted by it back to the people for ratification, and for the election of delegates under its provisions, or should the delegates at once proceed to organize among themselves, after adopting the constitution, a provisional Congress, elect a provisional President, and in this way create an initial or provisional government? Mr. Pope informs me that Mr. Memminger, adopting his motion in this behalf, urged the organization of the provisional government, and carried it through the State Convention, as a matter of recommendation to the Montgomery Convention, and also urged with success the adoption of this plan in the Convention at Montgomery.

There is, and for some time has been, a tradition ascribing the authorship of the provisional Constitution of the Confederacy to Mr. Memminger. I can find no records among the papers of Mr. Memminger that would justify me in claiming for him the authorship of this Constitution, and the records of this Congress have either been destroyed or are beyond my reach. It has been stated, however, in an editorial sketch of Mr. Memminger, I find in the *Charleston Courier* of March 8th, 1888, that as chairman of the special committee appointed to draft a constitution for the provisional government of the Confederacy, he submitted the same in his own handwriting. Just here I desire to make the record of a fact which has impressed me as I have examined the private papers of Mr. Memminger, placed in my hands by his

executors. It is the modest manner in which he refers to himself, where reference is made at all. With the single exception of his answer to the unnecessary and vain attack made upon his administration of the Confederate Treasury by General Joseph E. Johnston, there is nowhere to be found among his papers a single claim to any act of merit, to any honor, or achievement. These have all been gathered by me in a diligent and patient search among the records of his State and of his country, where he wrote his name and his merit of manhood in deeds that will live with the ages of our civilization.

In many respects the Constitution of the Confederacy was similar to that of the United States, differing especially in the use of such terms as would clearly express the confederated relations of sovereign and independent States. It is worthy of note that nowhere in this instrument do the words *"Confederate States"* or *"Confederate States of America"* occur. The association of the States under a provisional government was styled a *"Confederacy,"* and the act of association a *"Confederation between the States."*

In following the history of Mr. Memminger to this period, I have been dependent entirely upon the recollections of others, and upon the records of his acts, as these are preserved in the libraries of his State or are to be found among his private papers. It was not until I met him at Montgomery in the month of February, 1861, that my official relations with him began. From that time until the provisional government of the Confederacy expired by the limitation fixed in the Constitution, and the permanent government was inaugurated at Richmond, Virginia, I was honored with his confidence, and held the position of Chief Clerk in his department of the public service. I can, therefore, write of him from a personal knowledge which no one could have secured through a closer or pleasanter official connection.

Upon the assembly of the Confederate Congress, the city of Montgomery at once became a center of attraction for all who were in sympathy with the Secession movement, and thither came many visitors, young and old, ladies and gentlemen, attracted by the stirring events of the times. As the capital city of one of the most prosperous of the cotton States, Montgomery had long been the seat of elegance, and in the social caste of its citizens, reflected the noblest characteristics of our peculiar Southern civilization. To these local expressions were now added the surroundings of a government established by the gentry of the South. Amid these surroundings the writer found himself on the day when the election of Mr. Jefferson Davis and Mr. Alexander H. Stephens, as President and Vice-President of the Provisional Confederacy, was formally announced. The interval between the election of these distinguished men on the 9th of February, and their inauguration on the 18th of that month, was employed by the Congress in providing a revenue system, the organization of an army and a navy, and in such other legislation as they were enabled to undertake by the provisions of their temporary establishment; while a joint committee, composed of members of the Confederate Congress, members of the Alabama Legislature and of the City Council were arranging the details of the inauguration, which was to be made as imposing as possible.

Early on the morning of the 18th, the good people of Montgomery were astir preparing for the ceremonies of the day. The weather could not have been more auspicious. Brightly the sun shone, while the soft, southwesterly winds, had brought out the first smiles of spring to gladden the many warm hearts that were waiting to greet the first President of the new-born government. The ringing noise of the hammer had ceased, while busy fingers and the strong arms of noble women and gallant men had transformed the front of

the stately capitol building into a grand amphitheater, whose huge columns were wreathed with festoons of laurel and of magnolia, making a fit stage for the presentation of the first scene in this greatest drama of modern history.

Notice that the inaugural ceremonies would take place on Monday, the 18th of February, had been sent by telegram, printed and posted everywhere throughout the country, North as well as South. As early as the Friday before the time fixed, the streets evidenced the growth of the crowd who, from adjoining States, far and near, had come to witness the natal day of this new government.

Promptly at 10 o'clock Col. H. P. Watson, of Montgomery, as chief marshal, appeared in front of the Exchange Hotel, accompanied by the following aids, appointed by the Convention to represent the several States: Florida, Hamilton Wright; Georgia, Daniel S. Printup; South Carolina, Henry D. Capers; Louisiana, Robert C. Wood; Mississippi, Joseph P. Billups; Texas, Preston H. Roberts.

The procession was formed on Montgomery street, the right, or escort, being composed of the following military companies, under the command of Captain Semmes, of Columbus, Georgia: Columbus Guards, Lieutenant Ellis commanding; Independent Rifles, Captain Farris; Eufaula Rifles, Captain Alf. Baker; German Fusileers, Captain Scheussler.

Following the military came the special committees from the Convention of Delegates, the State Legislature, and the City Council, in open carriages; the President-elect followed in an open carriage drawn by six beautiful gray horses. To the left of Mr. Davis sat the Vice-President, Mr. Stephens, and in his front Rev. Dr. Basil Manly, of Montgomery. Next came the members of the Provisional Congress, Governors of the several seceded States, and other distinguished citizens in carriages, followed by a division of civic societies, and many hundreds who had left their homes and varied

business occupations to do honor to the occasion. The citizens of Montgomery never before, and, in all probability, will never in the future, witness a more brilliant pageant; certainly there cannot occur in the history of any American city an event so full of interest.

Arrived at the Capitol, Mr. Davis ascended the steps of the portico with Mr. Cobb, followed alone by Mr. Stephens and the Rev. Dr. Manly. The spacious platform in their front was occupied by the Congressional delegates, and members of the Alabama Convention, and other distinguished persons, while beyond these and on either side there were thousands eagerly securing every available spot to see and hear what was to take place. As the last gun from a section of artillery finished a salute, the ceremony of the inauguration was begun with an impressive prayer from the venerable Doctor Manly. Never can I forget the scene that at that moment presented itself, and while my mind retains its faculties, I will recall the pleading eloquence of the aged man as he invoked the blessing of God upon the President-elect and upon the cause he was chosen to maintain. The great concourse of people seemed to have been similarly impressed, and were awed into silence so complete that, seated on horseback near the outskirts of the assembly, I heard, with great distinctness, nearly every word of this most impressive prayer. At its close, Mr. Cobb formally announced that the President-elect, Mr. Davis, had arrived, and was now ready to take the oath of office. Mr. Davis came forward amid a storm of applause. As soon as it was quieted, in a clear and measured tone of voice he gave a distinct utterance to his inaugural address. This address appears in full in some of the histories of that period. Its insertion here I do not deem necessary. At the close of his address, turning to Mr. Cobb, Mr. Davis declared his readiness to take the oath of office as President of the Confederacy, which was accordingly administered by Mr. Cobb.

Henry D. Capers

In uttering the words, "So help me God," Mr. Davis, turning his eyes towards the heavens, in a most impressive manner repeated the words, "*So help me God,*" in a tone of voice so loud and distinct that he could have been heard to the extreme outskirts of the immense assembly.

Thus ended the ceremony of this historic occasion, one never to be forgotten by those who were present, and that must mark for all time to come an important era in modern history. At night there was a reception, followed by a brilliant ball at Estell Hall. Here the beauty and chivalry of the South, from Texas to Virginia, was assembled, and amid a wealth of flowers, emblematic decorations, and all that a cultivated taste could suggest or that wealth could furnish, the first hours of the Confederacy were ushered in.

The next morning I was informed by Mr. Keitt, of South Carolina, that Mr. Memminger had been nominated by the President as Secretary of the Treasury, and that he desired to see me as soon as possible. I found Mr. Memminger at his room in the Exchange Hotel. Without much ceremony he made known to me his appointment, and desired that I should serve him in the capacity of Private Secretary. The selection of myself for this responsible position, doubtless grew out of the long-established friendship existing between my father and the distinguished Carolinian, rather than from any experience I had acquired either as an accountant or a secretary. Requesting me to call upon Colonel Clanton, of Montgomery, for information as to the location of the building to be used for executive offices, he directed me to publish a notice in the morning papers stating where his office was to be found, and to remain there between the hours prescribed by him. With that earnest expression which all will remember who have seen Mr. Memminger when he was interested, he remarked: "*The world must know at once that we are at work, and that we are in earnest.*"

If the architect had anticipated the organization of a government at Montgomery on short notice, he could not have planned so small a building and have arranged its rooms more conveniently for the use of the several heads of departments. On the lower floor, with entrances from two streets, was a large banking office, with a vault attached, and rooms in the rear for executive offices. The keys to these apartments had been delivered to me by Colonel Clanton With them in my hand, I was at an early hour the next day to be found the sole occupant of one of these rooms, upon the door of which had been placed a card designating it as the office of the Secretary of the Treasury. Upon entering this room I found it without furniture of any kind; empty of all it had ever had in it—of desks, table, chairs or other appliances for the conduct of business. Nothing met the surprised self-importance of the dignified youth but bare walls and a dusty floor. Realizing that within one hour the time would arrive for the Secretary s office hours to begin, I started out in haste to find a furniture store. Fortunately this was close at hand, and just being opened for the day's traffic. Introducing myself to the gentleman I found in charge, who proved to be the energetic son of Mr. John Powell, I stated the emergency of my case to him, and in a few moments had the satisfaction of seeing him on his way to the Commercial buildings with a neat walnut table, a small desk, and a set of office chairs. When nine o'clock arrived I had swept out the dust and cob-webs of my predecessor's office, placed the furniture in position, and was receiving through an improvised office boy, the first invoice of stationery for the government, from Messrs. Pfister & White, excellent gentlemen, whose book store, in the Exchange building, was known to me as a pleasant stopping place. Ten and eleven o'clock had passed, and I was yet alone in my glory. Pens and inkstands were in place. Legal cap paper presented unwritten pages, and still no one had called upon the Secretary, nor

had the Secretary called upon his clerk. I had re-adjusted everything time and again, gone to the door opening on Commerce street, read and re-read the announcement in the papers, instructed my green office boy a dozen or more times as to the proper mode of receiving a visitor at the front door, when, at last, a messenger arrived with a note from Mr. Memminger informing me that he would be detained with Congress during the day. Another visit to Mr. Powell resulted in a neat matting for the floor, and other conveniences, which made the Secretary's office, by the next morning, quite comfortable.

These details are given to illustrate the small beginnings of the Confederate government, and as they unfold themselves, the reader will see how great emergencies were met from the most limited resources.

While thus remaining the sole occupant of the executive building, and passing the short interval between the organization of the cabinet and the avalanche of work which immediately thereafter bore upon every resource of mind and body, in arranging the appointments of the department, I had the seclusion of my dignity disturbed by a visit, which, while it brought my energies into play, uncovered the then limited resources of the Confederate Treasury.

I had just entered upon the routine duties of the morning, when a brisk, firm step in the hall, and a sharp, decided rap at the door, evidenced the presence of some one on an earnest mission. To the provincial reply—"Come in"—which supplemented the absence of my office boy, there entered a tall, soldierly-looking person, whose whole bearing indicated one accustomed to command. This person at once inquired for the office of Secretary of the Treasury. When informed that he was then in the place appointed as such, he scanned the room in a half skeptical manner and informed me with some emphasis that he desired to see the Secretary at once and on very urgent busi-

ness. I stated to my visitor that Mr. Memminger was engaged at the Capitol, with Congress, and that he would not be at the office during the morning. To the further suggestion that I might possibly serve him, as the Secretary's representative, he at once unfolded his mission. "I am Captain Deas, sir, late of the United States army," was the formal announcement of himself. Handing me a note he proceeded about in this manner: "I have been instructed, sir, by the President, whose letter of introduction to the Secretary I have handed to you, to provide blankets and rations for one hundred men, who have reported to him for duty in the army. I want the money, sir, to carry out the instructions of the President."

Returning the President's note to Captain Deas, "late of the United States army," I assured him that nothing could give me more pleasure than to comply with the President's request; "but, Captain," said I, drawing a lean purse from my pocket and opening it, "I have been on a considerable frolic in Montgomery for the past two weeks, and my finances at this moment are somewhat demoralized." Ascertaining that I had a sum amounting to not more than five or ten dollars, I continued: "This, Captain, is all the money that I will certify as being in the Confederate Treasury at this moment."

At first the dignified Captain appeared provoked at my humor, which to him may have appeared impudence, but when informed that I was with but two days' experience in a department service that began its operations with my presence, his frowning brow relaxed, and he seemed to appreciate my position and to enjoy the joke. Something had to be done, however, to meet this first requisition on the Treasury, as the gallant Captain was determined to execute his order. We were soon at the Capitol to interview Mr. Memminger. Congress was in secret session, but I was enabled to communicate with my chief, who gave me a note of

introduction to Mr. Knox, president of the Central Bank of Alabama, that enabled me to open a credit for the Confederate Treasury, based upon the personal obligation of the Secretary. The relief of Captain Deas was as much a matter of pleasure to me as it could possibly have been to him. We parted with each other at the bank with the understanding that he would make the purchases and send the bills to me for payment. In the evening I visited the troops, in whose behalf this first exercise of executive authority had been made, and ascertained them to be a company of one hundred men from Georgia, who had tendered their services to President Davis. They were under the command of an officer selected from among their number, who bore the historic name of George Washington Lee. Captain Lee was from DeKalb county, Georgia, and his company was the first body of troops who had enlisted to maintain the cause of the Confederacy.

Within a week from the date of his appointment as Secretary of the Treasury, the legislation necessary to establish a credit for the Confederacy had been completed, and Mr. Memminger, with the earnest devotion which had characterized his history in private and in public life, was a Cabinet officer, executing the provisions of the enactments of the Provisional Congress. If, from the necessity growing out of the incomplete character of this legislation, I had found, for the first day or two of my official life, but little to do, there were no moments of leisure when the Secretary transferred his energies and business experience from the deliberations of Congress to the executive branch of the government over which he had been selected to preside.

It is recorded, by one of his biographers, that the great Bonaparte possessed such a wonderful vitality, and was so minute in his elaborate details of office work, that he would exhaust the physical powers of more than one secretary when formulating the plans and arranging the methods of

his military and civil administration. I know of at least one secretary who would often leave the office of the Secretary of the Confederate Treasury after midnight, utterly worn out with labors that had begun in the early morning, and who would leave his weariless chief absorbed in some one of the many problems incident to his most important office.

To organize a Department of Finance for a government formed amid revolutionary surroundings, that would constantly derange normal conditions of political economy and disturb the established basis of credits; to meet promptly the financial demands of such a government, growing as these were, day after day, into colossals proportions, required not only the machinery of organization, but the utmost skill; the resource of the best judgment, and a sagacity which could anticipate events yet to occur.

To meet all the emergencies of the government, the Provisional Congress had provided a loan of fifteen millions of dollars. To the work of preparing and of securing the representatives of this credit and negotiating loans, the Secretary of the Treasury had his attention drawn immediately upon assuming the duties of his office.

It will appear strange to one who follows the history of subsequent events, that the Congress should not have anticipated the gigantic war in which the cradle of the Confederacy was not only rocked, but which was in the end to exhaust its powers. The reason for this is to be found in the declaration of right upon which the secession movement was based. Granting the right, secession was believed by some to be a peaceable remedy for the wrongs which the Southern States had so long endured. It never entered into the minds of the very large majority of the Southern Democrats, and was only entertained by a minority of the North, called "National Democrats," that the States had not the right to resume their sovereignty at pleasure. Even

among those at the North who held contrary views, there was a prevailing opinion that the Federal government, or more properly the Federal party, would not attempt to coerce the seceded States by a resort to arms.

While the "National Democrats," at the North, were manifesting their opposition to coercive measures on the part of the Federal government, there was also a very respectable minority among the Whigs and the Republicans in that section who had declared against the policy, if, indeed, they had previously advocated the right of coercion. Mr. Seward, in addressing the Senate of the United States, January 12th, of this year, declared his principles to be the "Union before Republicanism." He urged not only the repeal of the personal liberty bill, and the enforcement of the fugitive slave law, but urged the Federal government to prevent the invasion of one State by the people of another. The bitter manner in which this conservative address of the New York Senator was denounced by the radical wing of the Federal party clearly evidenced that it was not the great constitutional question involved in the act of secession, but just such a fanatical zeal as John Brown had shown in his pretended opposition to the institution of slavery, that was forcing the Federal authorities to over-ride the Constitution. The position taken and earnestly maintained in the New York *Tribune* by Mr. Greeley, was in direct opposition to the spirit of the majority of his party. While he considered the secession of the Southern States an error, he emphatically urged that the "erring sisters be allowed to go in peace." In accord with the expression of the leading Republican journal of the North, the New York *News* published at the time the names of seventy newspapers, received as exchanges from the different Northern States, opposing all coercive measures on the part of the government as being both unconstitutional and impolitic. Even Mr. Lincoln, the President-elect of the Radical Republicans, in

his Springfield, Illinois, speech, delivered in January, 1861, did not, in more than equivocal terms, indicate a conviction that the Federal government had, or would exercise, the right of forcing a State into submission to the will of his party. He ended this meaningless address by frankly admitting that he had asserted nothing, and had asked a few questions very difficult to answer.

Thus it was that from the assembly of the Provisional Confederate Congress, on the fifth of February, until the delivery at Washington city of the inaugural message of President Lincoln, on the fourth of March, there was nothing to indicate a clearly-defined policy on the part of the Federal government or of the political party that had accidentally come into the possession of its machinery. For these reasons, taken in connection with the further fact already mentioned, that the seceded States were exercising a right of sovereignty asserted and maintained in the highest courts of adjudication known to our government from the foundation of the Union of States, the Provisional Congress of the Confederate States made no further provision for the exigencies of the revolution than was necessary to maintain the government on the basis of a peace establishment.

As soon as the act providing for the loan had become a law, Mr. Memminger began the work of preparing the representatives of our Confederate credit. So exclusively agricultural had been and were the pursuits of the people of the South, and so long accustomed to depend upon the Northern manufacturers, and upon the resources of European nations, that at the very outset of his labors the Confederate Secretary found serious difficulty in providing the coupon bonds, certificates and treasury notes which were to represent the financial resources of his government. In none of the Southern cities could engravers on steel or stone be found. Under these circumstances resort was had to the facilities offered through the active co-operation of Mr. G. B. Lamar,

president of the Bank of the Republic, in New York city. Acting as our agent, Mr. Lamar entered into a contract with the American Bank-Note Company for engraving and printing the bonds and treasury notes authorized by act of Congress. The work was handsomely executed on the best of bank-note and bond paper, but, with all the precaution taken by Mr. Lamar, the entire issue fell into the hands of the vigilant servants of the Federal government and was seized as being contraband of war. Hence we were driven to the expedient of importing engravers from abroad, and were compelled to resort to the use of such appliances and machinery as could be improvised at home.

The few paper-mills in the South were manufacturing only an ordinary grade of newspaper or the common wrapping paper used in the shops. For some time we had to rely upon the bank-note paper that could be obtained through partially closed ports, or that was brought across the frontier of the Confederacy by our trusted agents. The enterprise and skill of Messrs. Evans, Cogswell & Co., of Charleston, S. C., supplied the coupon bonds, but the difficulty of engraving and printing the treasury notes was not solved until after the removal of the Executive departments of the government to Richmond, Va., in the summer of 1861. Here Messrs. Hoyer & Ludwig, skilled engravers, were established by the Secretary of the Treasury, and under the supervision of an officer, specially appointed for the purpose, the first treasury notes were engraved upon old and inferior stones used formerly for common placards, and printed upon paper brought from Baltimore by agents employed in the special service of the Treasury Department. There was a paper-mill at Richmond, but heretofore it had been manufacturing no better grade than the ordinary newspaper used by the local press and printers. It became obvious to Mr. Memminger, at an early day in his administration, that this want of facilities for producing the material upon which to express

the evidences of credit authorized by acts of Congress would have to be supplied either by the Confederate government or by individual enterprise. Without delay he called to his aid Mr. Montague, president of the Richmond paper-mills, and at once began, with his active co-operation, arrangements for the manufacture of linen and the best quality of bank-note paper possible under the circumstances. In his report to Congress, March 14, 1862, Mr. Memminger thus refers to these difficulties: "At this stage of our progress we were brought to a stand by the difficulty of preparing treasury notes in the Confederate States. We had become so entirely dependent upon the North that but a single bank-note engraver could be found in the Confederate States, and none of the material necessary for a bank-note was manufactured amongst us. We were, therefore, compelled to substitute lithographs for steel engravings, and to create the manufacture of bank-note paper. The delays incident to such a state of things produced many difficulties, and rendered it impossible to furnish an amount in notes adequate to meet the daily requisitions of the departments. The banks were applied to for a loan of their notes to meet the exigency. They promptly responded, and the balance due them is set forth in one of the schedules accompanying this report."[1]

This statement will also explain why the Confederate treasury notes were at first so objectionable in appearance. Until the Richmond mills had secured the necessary machinery and stock for the manufacture of bank-note paper our supply was obtained entirely from Northern cities, through friends in Maryland, whose expedients to secure the safe delivery at Richmond of the much-needed paper have furnished to me a story abounding in ingenious device and thrilling adventure.

In perfecting the organization of the several divisions and sub-divisions of the Treasury Department, the system devised

[1] See Appendix for Reports.

1. ALEXANDER B. CLITHERALL, Register.
2. BOLLING BAKER, Auditor.
3. EDWARD C. ELMORE, Treasurer.
4. Treasury Department, C. S. A.

by Alexander Hamilton, and still in use at Washington city, was with some modifications adopted by Mr. Memminger. At the commencement of his administration the Secretary was fortunate in securing the valuable services of a number of gentlemen, whose sympathies with the cause of the Confederacy prompted them to resign prominent positions in the United States Treasury Department and to tender their services to the Confederate government. Mr. Philip Clayton, who had been assistant secretary under Mr. Howell Cobb, at Washington, was appointed Assistant Secretary of the Confederate Treasury. Having a knowledge of the forms, and of the general working of the system at Washington, he rendered valuable services in the organization of our department. Accompanying Mr. Clayton to Montgomery from Washington, was Mr. Charles T. Jones, who for years had served in the United States Treasury, and who possessed an accurate knowledge of the business formulas. He brought with him copies of all of the forms in use in all of the several bureaus. To the willing spirit and indefatigable labors of Mr. Jones we were more indebted than to any single individual for the rapid and perfect organization of the department in all of its details. Mr. Jones was a native of Indiana, a gentleman of many excellent social virtues, and as a careful and systematic business man, superior to any I have ever known. On the 10th of March, less than one month after the appointment of the Secretary to office, the Treasury Department of the Confederacy was thoroughly organized, with the following officers on duty:

Executive Office—C. G. Memminger, Secretary; Philip Clayton, of Georgia, Assistant Secretary; H. D. Capers, Chief Clerk and Disbursing Officer; J. A. Crawford, Warrant Clerk; Henry Sparnick, Edmund Randolph, H. Kennerworth, J. H. Nash, J. P. Stevens, J. W. Anderson, Thompson Allan, Clerks.

Comptroller—Lewis Cruger; John Ott, Chief Clerk.

First Auditor—Bolling Baker; W. W. Lester, Chief Clerk; J. W. Robertson, M. F. Govan, J. F. Ezell, Clerks.

Second Auditor—W. H. S. Taylor; J. C. Ball, Chief Clerk.

Register—A. B. Clitherall; Chas. T. Jones, Chief Clerk; J. C. Thayer, James Simons.

Treasurer—Ed. C. Elmore; T. T. Green, Chief Clerk; Thomas Taylor, Cashier.

I regret that I have not the memoranda with which to refresh my recollection of the names of all the clerks who were at this date assisting in the several bureaus of the department. I have given above only such names as I am enabled to recall from memory after a lapse of many years. Excellent gentlemen and superior business men were among others whose names have been lost among the multitude I have since met with in the varied associations of the past years.

The terms under which the clerks and employes held their offices in the Executive departments of the Confederate government were such as to secure the best of service from competent persons, and to inspire a sense of personal self-respect by investing the employe with such security in his tenure as would naturally provoke fidelity in the discharge of his duty, while at the same time the government had the benefit of his efficiency. Cabinet officers were, of course, appointed by the President, who held their offices for six years, but all other executive and judicial appointments were for life, or during good behavior.

An officer, once appointed, could not be removed unless it was shown that he was intellectually incompetent, negligent in the discharge of his duties, or dishonest, or unless the office held by him had been abolished by the authority creating it.

In the service of the several departments of the government, each Secretary was the judge of the number of clerks necessary to perform promptly and efficiently the work of

the several divisions and sub-divisions of his department, and was expected to make such rules and such appointments to office as in his judgment the exigencies of the public service required.

While the assistant secretaries and chief bureau officers were confirmed in their appointments to office by the Senate on the recommendation of the President, they were by no means independent of the executive head of the department to which they belonged, and could be removed from office for cause or suspended at his pleasure by the consent of the President.

Mr. Memminger very wisely allowed the several chiefs of the divisions into which his department was divided to nominate the clerks for appointment who they desired to serve under their supervision to him. Upon this nomination being made and approved by the Secretary, the clerk received a temporary commission in these words

SIR,—You are hereby appointed a clerk of the —— class in the Treasury department of the Confederate States on trial for the period of six months, and are assigned to duty with ——, to whom you will at once report. At the expiration of the time prescribed herein, if a favorable report is made on your character and efficiency, you will receive a permanent commission should the exigencies of the public services render it necessary to employ you."

The very correct opinion of the Secretary was that, as the bureau officers were held responsible for the proper discharge of the work in their several branches of the public service, and in several instances were under bond in large sums, that they should be allowed to select largely their own assistants. The probation prescribed would be sufficient to develop the fitness of the appointment and to give sufficient time in which to investigate the antecedent history of the clerk.

The worthy Secretary had spent his active life as a commercial lawyer, among the best business men of a seaport city, famous for its orthodox methods in America and in

Europe, and viewed the whole matter of appointments to office strictly from a business standpoint.

The gentlemen who had entered the Department of the Treasury from Washington were evidently much surprised at the surveillance under which they were kept, and were frequently comparing the lax methods of a clerk's life in that Capitol City with what some of them were pleased to call the banking-house service of Mr. Memminger. If there was a sinecure's place in his department, the Secretary of the Treasury was not aware of its existence.

It was my honor (and I use the word here to express its fullest import) to have had the confidence of Mr. Memminger. I understood then, and from him, the reason why he sought from the first to place his department under the regulation discipline, which, with a few exceptions, appeared to excite the disgust of those who had resigned clerkships in the department at Washington to accept the service of patriotism in Montgomery. It was as far from the mind of Mr. Memminger as it was in antagonism with his social spirit to play the role of a martinet or to be a tyrant. Of all public functionaries I have ever known, he was the most scrupulously conscientious. He believed that an officer of the government, who received pay for his services, should render a *quid pro quo* for the same just as completely and for the reason, in all honesty, that the same would be demanded in any properly conducted business establishment.

Hence, he fixed regular business hours, from 9 o'clock A. M. to 3 P. M., and if the exigencies of the public service required it, the working force was ordered back to their desks in the evening, to remain there until the pressing business was finished. As an example to his subalterns, the Secretary was the most punctual and devoted among all of the officials. Unless he was called to a Cabinet meeting or was engaged in the Senate, where, upon all questions affecting the financial interests of the government he had a voice,

you could find him with certainty at his office, where he was generally among the first to arrive and last to leave.

The reader need not infer that we were exempt from the annoyances, if you please to call them such, incident to the life of all officials who have the appointing power vested in them, but there was not in those days the immodest pressure brought to bear which, we are informed, is the most disagreeable feature of the public service at Washington city and elsewhere in the country.

At an early day I was required by the Secretary to address the following circular letter, enclosing a copy of rules, to the several bureau officers of the department. These rules were ever afterwards rigidly adhered to, as embodying the general regulations of the service in his department:

SIR,—I am directed by the Secretary of the Treasury to call your attention to the accompanying rules respecting the general service and the appointment of clerks in your bureau. The necessity for the prompt dispatch of the public business, and the Secretary's desire to have none but worthy and efficient employes in the department, require that these regulations be strictly enforced.

Respectfully, H. D. CAPERS, *Chief Clerk.*

REGULATIONS.

First. Persons desiring appointment to office in the Treasury Department must present to the Secretary, through his Chief Clerk, their applications written in their own handwriting, stating their names, place of nativity, their present place of residence and past business experience. This must be accompanied with such references as they are enabled to give. The endorsements of well-known business men in the community in which the applicant resides are preferred to any others.

Second. The Secretary requires that a report shall be made to him on the first day of every month, setting forth the number of clerks on duty at that date, their particular assignment to duty and their efficiency; also, the additional number of clerks necessary to meet the requirements of the service in each division of your bureau, with the character of the work they are expected to perform. You will accompany this report with the nominations of such persons as may have had their applications referred to you from this office, or such other persons as you are led to believe are better qualified to perform the duties required than those who have formerly applied. Upon the receipt of your report

temporary commissions for six months will be issued to those you may nominate for appointment. At the expiration of this time, if it should be discovered that they are in all respects qualified as competent business men for the position of clerks in this department, permanent commissions will be issued over the signature and seal of the Secretary.

Third. In assigning clerks to duty you will keep in mind that promotions are to be made alone from among those who, by fidelity and efficiency in the discharge of duty, have fairly won the right to distinction. This is the only rule by which you will be governed in the promotion of clerks in your bureau from one class to another.

Fourth. Your attention is called to the necessity of observing the business hours as fixed by the Secretary—viz.: From 9 o'clock A. M. to 3 P. M. If the exigencies of the public service, in your judgment, should require it, you will, at your discretion, order the clerks on duty in your bureau back to their business places in the evening, to remain until the business of the day has been fully brought up. This is especially necessary in the bureaus of the Auditors and the Comptroller. While no improper haste is to be allowed, yet there must be no unnecessary delay in advancing the business of the department.

Fifth. All loitering on the part of the clerks, employes or visitors about the offices of the department is strictly forbidden during office hours. The offices of this department are considered as much places of business as the counting-rooms of merchants or bankers, and are not the places in which to entertain guests. The janitors and messengers will extend all proper courtesies to visitors, but this will in no wise extend beyond the civilities of a business establishment. Clerks or employes desiring leave of absence must apply in writing for the same to the head of the bureau in which they are serving, stating the time for which this absence is desired. If the application is approved, a copy of the leave of absence must be filed with the Chief Clerk of the bureau before the person leaves, who will at once forward the copy to this office.

Sixth. The pay-rolls of the several bureaus in this department must be approved by the Chief Clerk and filed with the Disbursing officer of the department on the 25th day of each month for inspection. All requisitions for office furniture, stationery, etc., must be made in the form prescribed, and certified to as required, by the chief of the bureau in which the same is to be used, and filed with the Disbursing officer of the department for consideration. While all the necessary conveniences for office work will be allowed, no extravagance will be permitted.

Seventh. Officers, clerks, or employes in the departments are strictly forbidden to correspond with newspapers or to furnish any information or abstract from the files or the records without special permission from the Secretary in writing. Any violation of these rules will subject the offender to prompt suspension or discharge.

An inflexible adherence to these rules and the prompt enforcement of the prescribed penalties, secured, in connection with the willing spirit of excellent officers, the most efficient service. It is likewise true that their enforcement subjected Mr. Memminger to the harsh and unmerited criticism of a class of politicians who were not disposed to consider an official as a public servant, on duty under a public trust, and who had for some reason, best known to those who had held office in Washington city, been disposed to regard appointments to office as an immunity from labor; that the treasury was a kind of public depository to be drawn on as a right of political partisanship under the guise of compensation for services rendered, and which, if rendered at all, are generally so at a cost to the government far in excess of the salaries paid at well regulated banking establishments. Mr. Memminger, very probably, took a strict business view of the matter, and was in the Treasury Department enforcing only such regulations as a business man would expect to see enforced among the representative commercial men of the country. There were not the difficulties in his way incident to the existence of rival political parties. Even if there had been, his high sense of duty and conscientious regard for the obligations he had assumed would have readily indicated this course to the Secretary

Among the few who did not hesitate in my presence to express, in unmeasured terms, their dissatisfaction with the rules of the Secretary, and especially with the rigid manner in which they were enforced, was the Assistant Secretary, Mr. Philip Clayton. Accustomed to the easy methods of the department service in Washington city, and as an Assistant Secretary there, to use his convenience in meeting the wishes of an indulgent Secretary, whose training had been with politicians or on the judicial circuits of Georgia, Mr. Clayton soon began to manifest opposition to

"*restraints*" and "*exactions*," as he termed them, of the Carolina Secretary, not alone in his remarks to the Chief Clerk, but in a form of inuendo addressed to third persons in my hearing, the evident intention being that these remarks should reach the Secretary through his confidential clerk. I do not attribute Mr. Clayton's objection to the discipline of Secretary Memminger to an indisposition on his part to discharge the duties of his office, but to an ultra democratic spirit which rebelled against all impositions of restraint. He was social in his nature and very fond of company, and never happier than when with congenial associates, he was discussing the philosophy of politics or religion, or some one of the abstract sciences. It would happen at times that some one or more of his friends would call upon the Assistant Secretary during office hours. To remind them that a social visit at that time, and at a business office, was contrary to the rules of the department was to admit that he was under the subordination of a law he had no authority to suspend at his pleasure. Hence, he was brought, through his real good nature, into a position which ultimately provoked a reprimand and alienated the official confidence of his chief. No one could have regretted this unhappy result more than myself. Mr. Clayton possessed rare intellectual endowments, to which, if there had been added more of nervous energy and the systematic habits of a business man, the Confederate Treasury Department would have had in him an invaluable officer. His wonderful mathematical intuition, by which, at apparently a glance, he could make almost any desired combination in figures, was really phenomenal. He has been known, for example, in reviewing an Auditor's report, embracing five and six columns of figures, to add the whole, page by page, by taking the columns of figures together, and to announce the result before an expert accountant could determine the

aggregate of a single column. His accuracy in figures became so well established that no one for a moment, would question the result with the endorsement of his signature to the statement. It may be readily inferred that the want of sympathy between the Secretary and his assistant would, if permitted to continue, become a source of annoyance to the Secretary and derange also the work of the department. There was no attention paid at first to the disaffection of Mr. Clayton by the Secretary, who expressed to me the hope that his assistant would yield his peculiar whims and methods when he, in common with others, was served with a copy of the department regulations. In this the Secretary was disappointed. It was not until about this time that the Secretary ignored the presence of his assistant, and would refer directly to me business matters of a confidential character which should have been properly entrusted to Mr. Clayton.

At length there was an open rupture. Mr. Clayton's friends were not strong enough in their influence, with either the President or Congress, to maintain the Assistant Secretary in his position. He resigned his office on the demand of the inflexible Secretary, and shortly thereafter issued a publication in which he made an attack upon the administration of the Secretary, which savored more of the spirit of insubordination than of either patriotism or self-control.

An examination of the regulations found above, will fail to convince any one at all accustomed to the systematic order of business affairs, that there was a single exaction made which would compromise in the least particular the personal dignity of an official, or that would place a restraint upon the employe not demanded by the best interests of the public service. The opposition to the enforcement of these regulations was, in my opinion, not from a disposition on the

part of any official to avoid the performance of duty, but simply from the fact that the habits of the objector, formed among the associations of a people who, from their infancy, were accustomed to freedom from all restraint, were such that he rebelled at the very suggestion of a master, however appointed. This peculiarity of our people was noticeable, not only in the civil service, but in the volunteer military organizations of the Confederacy.

To command was so much a habit that it became the nature of our people, and it was most repugnant of all things to this nature to be commanded. Obedience to law as an abstract virtue, might have been, and was, frequently eulogized by those spirits who were ready to defy the constituted authority of the law at the least provocation. Hence, the Confederate army was once styled by a foreign officer, serving with General Stuart's cavalry, "a grand assembly of officers."

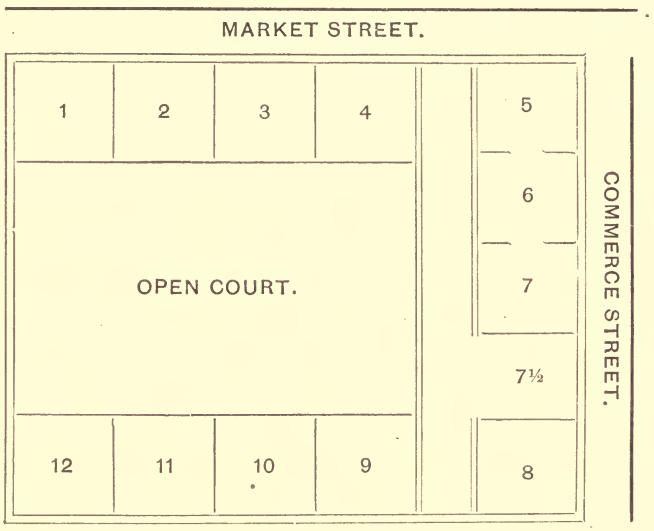
Once having announced his regulations to the subordinates of his department, Mr. Memminger not only conformed his official life to them but was inflexible in their enforcement. No political or social influence could save a negligent or recalcitrant official. This was made manifest, and with emphasis, in the case of a gentleman from Virginia, who held a clerkship in the Secretary's office. Shortly after the announcement of the Secretary's rules this gentleman gave expression to his criticism in a communication to a Richmond newspaper, in which he very imprudently, but, as I believe, not willfully, made public certain business transactions of the department. As soon as the name of the offending clerk was ascertained he was at once notified that his services were no longer required. In vain did repentant requests and the appeals of influential friends reach the Secretary or importune the intervention of the President.

It is by no means a necessary inference, that in the routine of our official duties we were denied the pleasures of such social interchange as always must serve to make the spice of what might otherwise become an insipid and prosy life. On the contrary, there were times when our social contact brought out the finest expressions of wit and a fund of good humor which I often recall with the greatest pleasure. It seldom ever occurs that so large a number of men, having the accomplishments of thorough classical educations, and natural gifts far above the average, are drawn together in the discharge of duties that would appear to the uninformed prosaic and mechanical.

It will be readily perceived by the reader who has thus far followed me that as the Confederate government crystalized I was of necessity brought in contact with the Cabinet officers, and those placed in charge of the several subordinate divisions of the departments, in such a manner as to have a knowledge of each, whose wants, to a certain extent, it was my duty and my pleasure to meet. The Treasury Department was organized and some of its branches actively at work before all of the members of the Cabinet were appointed and installed. Mr. Memminger, with his characteristic urbanity, extended through his executive officer such courtesies as the circumstances investing these would readily suggest. It was in this way that I had the pleasure of meeting with these distinguished gentlemen, who were to direct the several departments of the government.

When it is remembered that their offices were at the outset in the same building, and that this structure was of such ordinary dimensions as its original commercial character would indicate, the reader can understand that there were in this formative period of administration but few barriers, other than a sense of propriety would suggest, surrounding the official dignity of the several executive offices. The dia-

gram below will illustrate the arrangement of the offices on the second floor of the executive building and exhibits their proximity:



1.—Chief Clerk State Department.
2.—Secretary of State.
3.—President's Office.
4.—Private Secretary of President.
5.—Secretary of Treasury.
6.—Assistant Secretary of Treasury.
7.—Chief Clerk Treasury.
7½.—Commerce Street Entrance.
8.—Register of Treasury.
9.—Secretary of War.
10.—Adjutant-General and Chief Clerk.
11.—Attorney-General.
12.—Secretary of Navy.

On the 26th of May, 1861, in obedience to an act of the Provisional Congress providing for the removal of the seat of government from Montgomery, Ala., to Richmond, Va., orders were issued for a suspension of work in the several departments and every one put to packing up records, office furniture, etcetera, and away to "the Mother of States and Statesmen" we sped our way as fast as the special railway trains could take us. The preamble to the act of Congress changing the seat of government, stated that "the exigencies of the public service" rendered this move necessary in the judgment of Congress. This may have been the

case, and possibly it was a necessity in the opinion of a majority of our statesmen, but it was only so with a majority. There was a respectable minority in Congress who thought that his experiences eminently qualified the President to assume command of the armies of the Confederate States in person, and desired that he should do so, making Richmond his headquarters, while the capital of the Confederacy should remain permanently at Montgomery, with Vice-President Stephens in charge of the government.

The secession of Virginia at once made her territory the battle-field of a struggle which was no longer problematic, either as to its spirit or magnitude. To support the gallant people who recognized their allegiance to the State superior to that of a conditional fealty they had in no ambiguous terms expressed when they entered the federal compact of association; to meet the armies being organized rapidly to invade the territory of the mother of sovereign States who, in the deliberate act of secession, stood with drawn sword and "shield before her heart to fight with heart more proof than shield;" in the defense of the great principles upon which, with her children, she had acted, was the leading, the paramount and sufficient reason for this change of the seat of government. There were regrets sincerely felt and warmly expressed by the officers of the government at leaving the beautiful city where a characteristic hospitality had been so generously and elegantly dispensed.

Montgomery had, from the early history of the place, been the home of culture and a true type of Southern social life. Surrounded for many miles by the fruitful fields of cotton planters, it drew from this source an immensely valuable commerce, and had become at the outbreak of the revolution one of the wealthiest cities of its population in the United States. Its leading citizens, those who gave tone to its society, in elevating the sentiment that inspired all public and private social expressions, were gentlemen and ladies who,

in the educational associations of their early life in Virginia or Carolina, had inculcated the noble virtues of the old Cavalier and Huguenot stock to whom we of the South owe all that we have ever had that was distinctive, in either moral or physical graces. No place in all of Dixie could have been selected as a capital for the Confederacy that was more thoroughly typical, more perfectly representative of the genius of our civilization. The social amenities of the good people had captured especially the large number of gentlemen who came into our service from the army and the navy of the United States, and those who, in department service at Washington city, had found the social temperature much lower among the snow-drifts of a more northern latitude. Among these there was certainly a murmur of dissatisfaction at the order taking them from Montgomery.

At Richmond superior facilities were found for the conduct of the business of the several departments of the government. But a short time had elapsed since the United States government had completed a very handsome and commodious fire-proof building, used as a custom-house and post-office. The vaults and offices of the first floor of this building were appropriated by the Secretary of the Treasury, while the President and Secretary of State found elegant and convenient offices in the story above. The War and Navy Departments were located in a capacious building on Ninth street near by, while Postmaster-General Reagan was established in very comfortable quarters at the corner of Bank and Twelfth streets.

When Virginia withdrew from the Federal Union, Richmond was not only the capital of a great State, but for years had been a metropolis whose traffic extended through all the great avenues of commerce. The leading tobacco market in America, it was also conducting a very large export business in flour and grain, while its foundries, many workshops and factories made it among the prominent manufac-

turing cities of the Atlantic seaboard. At the wharves could have been seen the flags of all nationalities floating from the masts of vessels whose tonnage ranged from the famous clipper and ocean steamship to the schooner and sloop of the inland and coast trade. Main and Cary streets, from the "Rocketts" to the famous basin of the James river canal, a distance of at least one mile, was a busy scene from morn to night of all that makes the active life of the merchant or the manufacturer. As distinct from all this as the picturesque falls of the James river from the bay to whose bosom it carried the treasures of hill and dale, was all that part of the city about the beautiful park that surrounded the Grecian capitol building, both as to the character of the occupation in which the people were engaged, and the social characteristics of the people themselves. While the genius of commerce presided over the valley, the favorite resting places of science, literature and art was among the shaded walks of the grand old park, in the alcoves of the great State library, or among the more secluded retreats furnished by the club rooms or the snug offices and elegant homes of men whose culture and goodness had been transmitted from the early colonial days, with the treasure of a history and the lore of traditions unequalled, save in England or in France. This spirit rested upon the whole city in these golden days; it made every man and woman who dwelt there, whether white or black, bond or free, rich or poor, more or less a gentleman or a gentle-lady.

A Virginia gentleman of the old school may not have been produced alone in Richmond. Far be it from me to locate the virtues of the old Commonwealth exclusively at this place, but I do say that they were to be found in this glorious old city in 1861, in the fullest expressions of the highest type of civilization America has ever seen. I do not know how it is to-day in the "City by the James." Many of the noble men and women who illustrated the period of which I am writing

have left the weal of the "Old Dominion" into other hands, have passed over the dark river and are "resting in the shade of the trees," in a lovelier park than Richmond can ever have ; but, far above material considerations, a thousand times greater than all the wealth destroyed by the war or that may have been accumulated since, would I value the character of a Virginia gentleman or lady as I knew these in my young manhood. In later days, as I have seen the easy grace and simplicity, the ingenuous frankness, the sincere amenities and uncalculating generosity of our people farther south, corrupted by the material spirit and borish manners of those who have come among us to fatten on misfortune and to purchase preferment as they would the meat of the markets, I have wondered how it was in the old metropolitan cities of the South : if the sora of the "Eastern Shore" and the rice bird of our Southern seaboard, the Madeira of Charleston and the Sherry of Richmond, the oysters of York river and the rice of the Wacamaw, with the spirit of Christ and the cavalier in and over all, still produce the men and women of yore. I must not, however, digress, let the reverie be ever so pleasant.

Unprepossessing in appearance, uncertain in the promise they expressed, with no surer guarantee than the courage of a brave people, and no more substantial basis to rest upon than the confidence of a devoted patriotism, Confederate treasury notes, like the old continental bills of 1780, were, with the money changers, considered at best but the expressions of a metaphysical faith—"the substance of things hoped for, the evidence of things unseen."

Not so with our good people throughout all of the Confederacy. It was their money; the representative of the highest value they chose to recognize; the success of a cause for which they were struggling, and for which life and all material considerations were pledged and freely offered.

It may not be generally known, but it is nevertheless a fact, that Confederate money was at par with gold and foreign exchanges in several seaports of the Confederacy for at least a month after its first appearance. As late as the first of August, 1861, it was at only eight per cent. discount for gold in Richmond, and at par in New Orleans, Mobile and Charleston. This may not have been through the operation of any legitimate principles of political economy—I will not undertake to say it was—but rather a result brought about by the financiering skill of Mr. Memminger, and the patriotic co-operation of the leading bankers in these commercial centers. At any rate, several large bills of exchange on London and Paris were bought by our agents at each of the cities named above and were paid for at par with our home-made money. As far as the government of France was concerned, the exchange was within the rule of values as these are fixed in the purchasing power of money. This government, making a monopoly of tobacco in its domain, could purchase as much with a Confederate dollar from our agents in Richmond as with an assignat or a gold dollar, so that until this commodity was virtually made contraband of war by the Federal blockade of the James river, we were enabled with our treasury notes to increase very largely our gold credits. With our ports closed, and having no means of maintaining an uninterrupted foreign commerce, the golden period of Confederate finance was, of course, limited. First one and then another of the few banks that had aided us suspended payment of coin, until finally, when the month of August, 1861, arrived, the Canal and the Citizens' Banks, of New Orleans, were the only ones receiving Confederate money on deposit and paying it out at par with gold.

Among the first official duties that engaged my thought on reaching Richmond, in the early days of June, was to execute the order of my chief for the establishment of a

Bureau of Engraving and Printing in connection with the Treasury Department. As stated in a preceding chapter, the resources of the cotton-producing region, in which we were first established, were so exclusively agricultural that skilled engravers, either on wood, stone or metals, were not to be found. The loss of the treasury notes, engraved and printed through the kindness of Mr. G. B. Lamar, by the American Bank-Note Company of New York, necessitated that we should become our own printers, and not rely upon the contingencies of running through the blockaded ports notes that possibly may have been much better executed in Europe. After much inquiry I found a clever German resident in Richmond who was engaged in a small way in the business of lithographing, but who had as yet essayed no better class of work than the cards and posters of business men. The discovery was a great relief to me, and a matter of much congratulation with the Secretary, especially as it was ascertained that Mr. Hoyer could induce the necessary assistants to come to his aid from Baltimore. In a few days thereafter the firm of Hoyer & Ludwig had been established in convenient rooms on Main street, and were at work under special contract with the Confederate States to engrave and print the treasury notes, their establishment being under such regulations and surveillance as was deemed necessary by the Secretary of the Treasury. After many experimental trials, the first approved proof-sheet of eight one hundred dollar bills was taken in to the Secretary for his inspection. While there were defects, palpable to even a superficial criticism, yet these, under the circumstances, were not deemed great enough to condemn the work. The demand for our promises to pay was imperative. To wait under these circumstances until another stone could be engraved, without the assurance that the work would be more satisfactory, was more than the Secretary's patience could stand. In approving this first proof-sheet, now in my possession, Mr. Mem-

minger wrote on its back these words: "When the money changers become more familiar with the peculiar features of these uncanny bills, it will be as difficult to pass a counterfeit as if they had been engraved on steel by an expert; may be more so." At once the presses in Hoyer & Ludwig's establishment were put to work, using at first bank-note paper brought from Baltimore by our special agents, who were so expert in passing the Federal picket lines that they kept us supplied not only with bank-note paper, but with the daily newspapers from all the northeastern cities. The *Herald*, published in New York in the morning, I had on my desk in Richmond the next morning, not for a day or so, but for weeks at a time.

Mr. Thompson Allan, of Georgia, was placed in charge of the Bureau of Engraving and Printing, under whose careful supervision it remained until removed to Columbia, South Carolina, in 1863. The first issues were of one hundred, fifty, twenty, and ten-dollar notes. As the printing had to be done entirely by hand, and the impression taken from more than one stone, the "money-mill," as the bureau was facetiously called, was very slow in furnishing the desired notes. It was manifest at the outset that it would be impossible for the Treasurer and Register each to sign the immense number of bills that would soon be waiting their autographs before being numbered and made ready for issue To meet this difficulty such of the gentlemen in the department who were rapid in the use of a pen, and whose signatures were the most unique, were specially detailed and placed in charge of Mr. John Ott, representing the Treasurer, and Mr. J. C. Thayer, representing the Register. It was not long before the clerks under these gentlemen, signing, numbering, assorting, counting, packing, and verifying "Confederate money," were as numerous, and, the feminine division of them, far more interesting than in any other branch of the public service.

From the small beginnings at Montgomery, the Treasury Department, in all of its divisions and sub-divisions, had assumed proportions far beyond all expectations. From the unfurnished room I had entered at Montgomery, the day after the inauguration of President Davis, the office of the Secretary of the Treasury at Richmond had become a great center to which many subordinate officers were reporting daily, and to which came in person or by letters the bankers and business men of the whole South. To meet promptly the responsibilities of his position and to dispatch the routine business growing more voluminous each day, Mr. Memminger adopted at an early day a systematic order of arrangement to which he adhered, placing on duty in charge of divisions gentlemen whose willing spirits and efficient service greatly aided him. Mr. Thompson Allan was transfered from the Bureau of Engraving and Printing and placed in charge of the "Tithing or Tax Bureau," while Mr. J. C. Thayer and James Simons, of Charleston, were placed in charge of the "Treasury Note Bureau." To the "Cotton-Tax Office" was assigned Mr. A. Roan. These excellent gentlemen brought to the discharge of their duties the careful attention of experienced business men, and were of great service in relieving Mr. Memminger of the anxiety he had with regard to the rapid and efficient discharge of the duties entrusted to them. The clerks of the departments were now numbered by hundreds, and more than one building besides the Custom-House was necessary for their accommodation and the conduct of the business of the several bureaus of the department.

Whatever may have been the reasoning that influenced Congress to provide at the outset for a loan of only fifteen millions of dollars, as being sufficient for the wants of the Confederacy, it became apparent after the inauguration of Mr. Lincoln as President of the United States, that a much larger amount would be needed to meet the exigencies of a

war whose magnitude the most sagacious could not foresee. Accordingly another loan, known as the "one hundred million loan," was authorised by an act of the Confederate Congress, called the "War Tax Act."

Some idea may be formed of the demands made on the Treasury, when reference is made to the reports of Secretary Memminger appended to this volume. The expenditures of the government in its several departments had reached, on the 20th of November, 1861—eight months from the inauguration of Mr. Davis—over seventy millions of dollars; on the 14th of March, 1862, to over one hundred and sixty millions, and on the 10th of January, 1863, to over four hundred and forty millions.

To provide for these enormous requisitions Mr. Memminger had his financial abilities taxed, as but few, if any ministers have ever had. The difficulties surrounding him have, to a certain extent, been referred to. The reader who will examine his reports with care, finds these difficulties clearly stated in his own language, but he can scarcely realize how embarrasing to the Secretary was the absence of the necessary machinery to execute his plans or to provide the bonds and the treasury notes authorized by his government. These annoying details, once arranged, then came the further tax upon his mind of preserving the credit of the government in the midst of a war which was constantly increasing in its proportions, and was exhausting, day after day, the resources of the Confederacy.

In order that the reader may have a clear idea of the financial system adopted by the Confederate government, I deem it advisable to give a brief history of the same, which, in connection with the Secretary's reports, will show the plan adopted to meet the enormous expenses incident to a great war; and also to maintain the credit of a Confederacy seeking to secure a place among the nations of the world.

The sources of income to all governments is either in the revenues from custom duties or that derived from direct taxation. Having no adequate revenue from duties on imports or exports, and the proceeds to be derived from a direct tax being wholly insufficient to meet the expenses of a war, resort was had to loans and treasury notes. The first of these loans was for fifteen millions of dollars, to run for ten years, and bearing an interest of eight per cent. secured by an export duty of one-eighth of a cent per pound on cotton. At the same time that this loan was authorized an issue of one million dollars in treasury notes was provided for, made payable in one year, and bearing interest at the rate of 3.65 per cent. This first loan was successfully negotiated, at par with specie, and was taken chiefly by the banks and commercial houses of the Southern cities. As the war enlarged its proportions a demand for much larger sums was made, and necessitated another issue of twenty million dollars in treasury notes and another loan of thirty million dollars in eight per cent. bonds. The act of Congress authorizing this issue of treasury notes, was passed 16th May, 1861. The holder of these notes had the right to fund them at pleasure in eight per cent. bonds. The certainty of a long war being evident, and its dimensions having greatly increased, another loan was provided for by act of Congress, in August, 1861. This loan was for one hundred millions of dollars, and the issue of treasury notes was extended to one hundred millions, convertible, as before, into eight per cent. bonds. In order to provide still further against a redundant currency, it was provided that the holder of these treasury notes might exchange them for bonds payable in ten years and bearing seven per cent. interest. To secure the payment of the bonds, principal and interest, a *war tax* of one-half of one per cent. was imposed upon the chief articles of property in the Confederacy. It was at this time, August, 1861, that in compliance with the recommendation of the Secretary, treas-

ury notes were made receivable for the war tax and for all public dues except the export duty on cotton. On the 24th of December, 1861, a further issue of fifty million dollars in treasury notes was authorized. Thus it will be seen, that as the exigencies of the war increased the issue of treasury notes were rendered necessary, and the debt of the government greatly increased. To preserve the value of these notes as a currency, it was apparent to the Secretary that provision must be made for funding them in bonds bearing a reasonable interest, and maturing at a long time in the future. In discussing the several plans for raising money to meet the expenses of the government, Mr. Memminger, in his "Report to Congress, March 14th, 1862," thus refers to treasury notes:

> Experience has also established that this is the most dangerous of all the methods for raising money. The danger arises from the fact that, borrowing money in this form, the government interferes with the measures of values. The amount of currency usually circulating in a country forms its measure of value. While this consists of gold and silver, it cannot become redundant, because any excess would be immediately exported to other countries. But when a currency has no value, except in one country, this security against excess is lost and every addition becomes permanent circulation. Every money value must readjust itself to this increase, and the result is that to obtain a comparatively small amount of money, the values of the entire property of a community are changed. The government, in time of war, becomes the greatest sufferer. Being the largest purchaser of commodities, it buys at the inflated prices, which it has itself produced, and loses more in its payments than the amount it has attempted to raise by its currency. The relations of debtor and creditor are disturbed by every successive issue, and the result is a prostration of public credit and private confidence. The facility with which a government paper currency may be issued offers strong temptations to resort to it at difficult times. But the disastrous consequences, which have always attended its over-issue, warn us to mark with the greatest care the boundaries within which it should be confined.

An aversion to internal taxation was manifested so decidedly among the people that when Congress assembled in February, 1862, it was discovered that the enforcement of

the tax laws, enacted at a previous session, had to a large extent proven a failure.

The Secretary of the Treasury again presented this matter to the attention of Congress, urging the necessity of the enforcement of the collection of the taxes, and also recommending another mode of taxation in the nature of the old tithing system, levying a per cent. upon all products needed for the supply of the army. This was subsequently known as the "Tax in Kind." He recommended still another expedient to reduce the volume of the currency by dispensing with the use of treasury notes as much as possible in the purchase of produce, and using bonds in exchange for all articles needed as supplies for the government. This was known as the "Produce Loan." Every effort to induce the holders of treasury notes to fund them in the bonds of the government was made, and every legitimate device used by the Secretary to dispense with their use in meeting the expenses of the government, but with only partial success. In the meanwhile the exigencies of the war permitted no delay. Money of some kind must be had. So it was that the increase in the issue of treasury notes continued, until on the first of January, 1863, the currency in circulation amounted to over six hundred millions of dollars, or to more than three times the actual amount needed for the business of the country.

The effect of this great redundancy in the currency on the general business interests of the country and the proper remedy for it, is all clearly set forth in the report of Mr. Memminger and his recommendation to Congress of January 10, 1863. To remedy the evil, the Secretary suggested that a period of limitation for the funding of treasury notes should be fixed, and after the lapse of this time, all treasury notes issued prior to December 1, 1862, should cease to be currency. This plan, if it had been successfully executed, would have forced the funding of a large portion of the currency, quite sufficient to have reduced it, in the

opinion of the Secretary, to one hundred and fifty millions of dollars, which he considered the extreme limit required by the business wants of the country. To secure the prompt payment of the interest and principal of the bonds in which the holders of treasury notes were required to invest, the Secretary called for an ample and permanent tax which he states is the "*corner-stone of the whole fabric. . . and without it the scheme has no foundation, and secures neither public confidence nor success.*" It was just at this vital point in the whole system, as recommended by the Secretary, that Congress disagreed with him. Influenced more by a popular clamor against the imposition of taxes than by the financial logic of the wise Secretary, Congress failed to provide such means for collecting the tax, urged by the Secretary, as were effective. Under the provisions of the Constitution the amount required to be raised by taxation was to be divided among the several States, and a pro-rata assessment made upon each, to be paid to the general government by the Governors when collected by the officers of the States. So much opposed to taxation were the people that of the assessments made, only three States—South Carolina, Mississippi and Texas—collected the tax from the people in Confederate treasury notes; the other States paying theirs in State treasury notes, and thus really increasing, instead of diminishing, the general public debt.

In his report to Congress, December 7, 1863, Mr. Memminger again called the attention of Congress to the necessity of reducing the currency, and again urged the necessity of a tax to assure the payment of the interest on the bonds in which the treasury notes were to be funded. The delay and uncertainty of returns from the tax act of February, 1863, left the Secretary no resource but to continue the issue of treasury notes to meet the constantly increasing demands of the government and to sustain them as far as possible by funding them in

bonds. Referring to the "*only legitimate source of supply, taxes and loans,*" the Secretary clearly shows that taxes alone have never been able to sustain a nation engaged in a great war ; that loans are necessary ; but in order to maintain the credit on which these loans rest, a tax must be levied sufficient to meet the interest of the loan "*in specie or its equivolent, whenever this interest becomes due.*" In accord with the recommendations made in his report 17th of February, 1864, Congress passed an act authorizing the reduction of the currency and a new issue of bonds and treasury notes. All treasury notes, not bearing interest and above the denomination of five dollars, were made fundable in registered bonds bearing four per cent. interest, and maturing in twenty years. These notes were to be offered in six months or thereafter and not to be received as currency. A new issue of notes was authorized, made receivable for all public dues, except customs, at the rate of two dollars for three of the old issue. This new issue, intended to absorb all other issues of treasury notes, was limited to two hundred millions of dollars, and the faith of the government was pledged not to increase it or make any other issue of treasury notes. To meet the expenses of the government an issue of five hundred millions of six per cent. bonds was authorized, and for the payment of the interest all import and export duties, payable in specie, was pledged. The provisions of the act of Congress appears to have had the effect desired by the Secretary, of bringing the currency within the limit fixed by him, as necessary to adjust it to a normal standard of values. Referring to the effect of this act, in his report of May 2, 1864, the Secretary says : "The financial measures adopted at the last session of Congress have given the country a new starting point. The currency is once more brought within bounds and it is most earnestly urged upon Congress to so fence around those bounds that they cannot be passed. This can only be done by a careful re-

vision of every appropriation, and by admitting only such as are absolutely necessary ; by a steady refusal to increase the volume of the currency, and by providing sufficient other means to meet the appropriations which shall be made."

The "*sufficient other means*" the Secretary found in taxation—the "*foundation of all sources of supply*," as he goes on elaborately to show, in this his last report and recommendation to Congress. There can be no doubt but that the plans of the Secretary were wise, and that the expedients he resorted to were, under the circumstances, the best possible means he could employ to keep the currency of the Confederate States in a proper relation to the universally recognized standard of values and to the legitimate business wants of the country. But what could he or any one else, however wise, have done to prevent the depreciation of a paper currency, unsupported by the foundation upon which rests all credit; a certain and permanent income in specie, or its equivalent, adequate to pay with promptness the interest of the debt, and also to provide for a sinking fund that would in time discharge the principal?

Notwithstanding the Secretary had urged upon Congress the necessity of providing this fund by the imposition of a tax on all property and on incomes, his recommendations were not acted upon in the manner desired by him. Provision was made for consolidating the debt and for reducing the volume of the currency to the limit desired, but after a protracted discussion Congress again declined to make the money taxes payable alone in treasury notes, as urged by the Secretary, but allowed the tax-payers to pay their taxes in four per cent. bonds, or certificates, in which the notes had been previously funded. Thus it was that the only certain means of keeping the currency within the limit prescribed in the act was defeated by its own provisions. Referring to this in his report to Congress, May 2, 1864, the Secretary

says: "*Payment into the Treasury* of treasury notes is a necessary instrument to their proper circulation. Without the aid of such an instrument the currency of the notes depends entirely upon consent. They are deprived of one of the essential elements of value—namely, general demand. After demonstrating the necessity for making the taxes payable in treasury notes, the Secretary makes an argument clearly showing the provisions of the tax act of Congress to be inadequate to meet the objects had in view when recommended by him in a previous report. He shows the system of taxation adopted to be "*so cumbersome and intricate that delay and disappointment will be its inevitable result.*" He urges that another tax bill be framed providing "a simple tax on property and on incomes" and the repeal of the following provisions in the objectionable act:

That which allows the value of the tax, in kind, to be deducted from the tax of five per cent. on agricultural property.

2. That which repeals the income tax on incomes derived from property taxed as capital.

3. That which discriminates as to the date at which assessments are to be made.

No argument could be made clearer or more convincing than that to be found in the Secretary's report urging the repeal of this tax act and the adoption of another to meet the demands of the government and to support its credit. Instead of aiding him to keep the currency within the limit prescribed, the act was in itself an inseparable barrier to the accomplishment of this object as long as it permitted taxes to be paid with certificates, in which the currency had been funded. To use the language of the Secretary, "This provision of the tax bill, instead of reducing the volume of the currency, maintains its redundancy, if it does not in reality increase it. It makes the whole funding system a mere sham and gives to unmatured bonds the functions of treasury notes." Nevertheless, the urgent recommendations of the

Secretary were not acted upon as he desired. The majority in Congress appear to have been seeking more to maintain their popularity with an uninformed constituency by yielding to a demand for more money than to conform their legislation to well-established principles of finance. Failing again to secure such a system of taxation as in his judgment was essential to protect the credit of the government, discovering that his recommendations were either ignored, or when acted upon were so changed as to be wholly inadequate to accomplish the ends desired, Mr. Memminger withdrew from what he knew to be a hopeless task, and resigned the burdens of a thankless office.

While it is not my purpose to enter into an argument with the object in view of vindicating Mr. Memminger from charges made by some that his want of sagacity and proper administrative ability caused the unnecessary depreciation of Confederate securities, or failed to provide a credit in Europe, which was either offered or that could have been secured by his action, the legislation of the Confederate Congress and Mr. Memminger's reports to that body are his own proper and complete vindication.

It is proper, however, for me to call attention to the fact that Mr. Memminger was but an executive officer.

At no time was he given an unlimited authority to act as his judgment alone would dictate in the management of the Confederate finances, either at home or abroad. On the contrary, he was never more than an officer executing the will of Congress. It is true that he had the right to appear before that body and advocate his recommendations, and to suggest such enactments as in his judgment were necessary, but beyond this he could not go. The financial legislation of Congress was, in the most vital points, opposed to his judgment and contrary to his often-repeated and strongly-urged recommendations. So embarrassing to the Secretary was this disagreement with the law-making power, that on

more than one occasion he made this the reason, in communications to the President, why he desired to retire from the thankless task of attempting to execute what were to him financial absurdities or impossibilities. Carlisle says that "the opinion of one man who *sees* a thing is worth more than that of a million who do not see it." Well would it have been for the Confederate cause if the Congress had simply followed the sound and carefully digested financial plans of the Secretary, instead of forcing on the country a policy, if such it may be called, which was a jumble, resulting from confusion of ideas, and at best but a compromise between opposing factions.

In this connection I present the reply of Mr. Memminger to certain strictures made on his administration by General Joseph E. Johnston, and the comments of a contributor to the *Charleston Courier*, who is supposed to have been Mr. Trenholm. The substance of General Johnston's charge is that the failure of the Confederate cause was due to the failure of its finances; that the government failed to adopt the true financial policy which was easy enough to see and "generally understood in the country!" Having made this very remarkable charge the General proceeds to unfold his plan as follows.

The government was organized in February, and he states that the blockade of the Southern ports, though proclaimed in May, was not made "effective" until the end of the following winter—a period of twelve months—in which "it would have been *easy*" to ship and to convert into money four or five million bales of cotton, etc.

It must certainly surprise the reader when he looks into this grave proposition that the four or five million bales of cotton had no existence except in the fancy of the General. The total crop of 1860–'61 was officially reported at 3,849,000 bales. Of this 3,000,000 bales had been exported up to February, the month when the Confederate government was

organized; and 600,000 bales in the hands of the New England spinners, the seed for the next crop (1861–'62) not being yet in the ground. It is needless to examine into the merits of this scheme any further. Granting that the cotton did exist in the Southern States, it would have been impossible, as Mr. Memminger clearly shows, to have shipped any large quantity of it. So that the whole charge of failure of the financial policy by General Johnston resolves itself into a fleet of phantom ships loaded with phantom cotton. This singular charge has only been noticed on account of the high source from which it emanates, and because of the currency which the idea has obtained among a class of critics.

The following answer to General Johnston's criticism appeared in the *Charleston Courier*, March 28, 1874:

CHARLESTON, March 27, 1874.

To the Editor of the News and Courier:

I observe by your paper of yesterday, which extracts a passage from General Johnston's book, that he follows the ancient example of our forefather Adam, in casting the fault of a general calamity on some other person. He attributes the failure of the Southern Confederacy to the blunder of the government, at its first institution, in not possessing itself of the cotton crop then in the hands of the planters. This cotton (according to the General) should have been shipped in anticipation of the blockade, and it would then have furnished a basis for future credit. As I was at that time in charge of the Treasury Department, the responsibility of this failure would rest chiefly on me; and you will therefore not consider it out of place that I should correct misapprehensions which seem to have misled yourself as well as General Johnston.

The Confederate government was organized in February, the blockade was instituted in May, thus leaving a period of three months in which the whole cotton crop on hand, say four millions of bales, ought, according to the military financier, to have been got into the hands of the Confederate government, and to have been shipped abroad. This would have required a fleet of four thousand ships, allowing one thousand bales to the ship. Where would these vessels have been procured in the face of the notification of the blockade? and was not as much of the cotton shipped by private enterprise as could have been shipped by the government? When so shipped, the proceeds of the sale were in most cases sold to the government in the shape of bills of exchange.

The superior advantage of this plan is evinced by the fact that, throughout the year, the government exchanged its own notes for bills on England at par, with which it paid for all its arms and munitions of war.

Of course this vast amount of cotton could only have been procured in one of three ways—by seizure, by purchase or by donation.

Certainly no one, at the first inception of the Confederacy, would have ventured to propose to seize upon the crop then in the hands of the planters, and which furnished their only means of subsistence.

Could it not, then, have been purchased?

At the commencement of the government the Treasury had not funds to pay for the table on which the Secretary was writing; and the first purchases of the government made abroad were made on the private draft of the Secretary. There was not to be found, in the whole Confederacy, a sheet of bank-note paper on which to print a note. Forecasting this need, the Secretary had ordered from England a consignment of note paper and lithographic materials, the vessel containing which was captured on the high seas; and many of the friends of the late Colonel Evans, of our city, will remember that he nearly lost his life in the attempt to bring across the lines a single parcel of note paper. It is within the memory of the printers of these notes, that months elapsed before bonds or notes could be engraved and printed; and these constituted our entire currency. How, then, was the cotton to be paid for?

And when the mechanical difficulties were overcome, the financial presented an equal barrier. The scheme for raising money, adopted by Congress, was to issue Confederate notes, funding the redundant notes in interest-bearing bonds; and all payments at the treasury were made with these notes. The daily demands on the Treasury exceeded greatly the means of supply. Now, if instead of applying the notes to the daily payments required at the Treasury they had been used to purchase cotton, the Treasury would have found itself filled with cotton, without any money to meet the wants of the government until that cotton could be shipped abroad and sold.

If instead of payment in notes the bonds of the government had been used to purchase the cotton crop, those bonds would have been thrown in the market to meet the necessities of the planters, and their value as a means of funding the surplus currency would have been destroyed. It is obvious to any one acquainted with finance that this would have broken down the Confederate currency within the first year of its existence, whereas the plan pursued sustained the credit of the Confederacy until broken down under calamities by which no credit could survive.

The only remaining mode in which the cotton could have been procured by the government was by donation from the planters. So far was this donation from being possible that the Treasury actually had to

issue a circular in response to applications to the government for aid to the planters in making loans to them, and not a bale of the crop of that year was contributed to the government. An effort was made to get pledges of the next year's crop in exchange for bonds of the government. To accomplish this it was deemed necessary to allow the planters to get their own price through their own factors without allowing the government to fix its price, and the whole amount thus pledged did not reach fifty millions, or about two months' expenses of the government, of which perhaps one-third was never received.

Every one conversant with the politics of the day knows that it was the current expectation that the blockade could not be continued for a year. The Confederate Congress were so informed when they adopted the international agreement as to privateers. The government of the United States equally supposed that the war would be of short duration, as is apparent from President Lincoln's proclamation calling for troops for ninety days. There could therefore be no motive to induce the Confederate government to store up cotton as a basis of credit. When it became apparent that the blockade and the war would continue the government then made arrangements for using cotton as the basis of a loan; and the large foreign cotton loan negotiated in Europe by Messrs. Erlanger furnished abundant resources to the government for its supplies from abroad. But even to the last its power over the crop was restricted by the large quantities held in private hands which could not be purchased at all. At no time that I am aware of was it in the power of the government to get possession of the cotton crop, unless it had seized the same by force, and by the same force compelled payment in a depreciated currency; a high-handed course which could never receive the sanction of the statesmen who administered our government The only approximation to it was in the shape of a tax in kind when the currency failed to command supplies, and which was made as just and equal as any other tax.

The truth is, that if General Johnston's recollections of history were as vivid as his knowledge of military tactics is great, instead of censuring the financial administration of the Confederate government, he would have discovered no instance on record where a war of such dimensions, in a constantly decreasing territory, has been sustained for four years by mere financial expedients, without the aid usually derived from taxes—for in the whole Confederate war but one general war tax was levied, and a great portion of that was never collected.

C. G. MEMMINGER.

I append, as part of the history of the times, one of the circulars of the Treasury Department on this subject.

CONFEDERATE STATES OF AMERICA, TREASURY DEPARTMENT,
RICHMOND, October 15, 1861.

The Commissioners Appointed to receive Subscriptions to the Produce Loan:

GENTLEMEN,—Inquiries have been made from various quarters—

1. Whether during the continuance of the blockade, effort should be made to procure further subscriptions.

2. Whether the government will authorize promises to be held out of aid to the planters, as an inducement to such for further subscriptions.

The first inquiry seems to imply a misunderstanding of the scheme of the subscriptions. Many persons have supposed that the government was to have some control of the produce itself; others that the time of sale appointed by the subscription was to be absolute and unconditional. The caption at the head of the lists, when examined, will correct both these errors. The subscription is confined to the proceeds of sales, and contains an order on the commission merchant or factor of the planter to pay over to the treasurer the amount subscribed, in exchange for Confederate bonds. The transaction is simply an agreement by the planter to lend the government so much money; and, in order to complete the transaction, a time and place are appointed when and where the parties may meet to carry it out. The important point is, that it shall certainly be completed at some time, and that is secured by the engagement of the planter. Whether that time be December or June is simply a question of convenience, and works no injury to either party. The government is sure of the eventual payment, and derives from that certainty so much credit; and it loses nothing, because it gives its bond only when the money is paid.

It is obvious, therefore, that the subscriptions are quite as valuable to the government during the blockade as after it. The blockade simply suspends the completion of the engagement. It becomes the interest of both parties to wait for a good price, and the government will readily consent to a postponement of the sale.

You perceive, therefore, that it is desirable to continue your exertions to increase the subscriptions, and you are authorized to say that the government will consent to a reasonable extension of the time appointed for sales.

2. The next inquiry is as to a promise of material aid from the government to the planters.

In answering this inquiry I am to speak in advance of any action of Congress. What that body may see fit to do, it is not for me to determine. I can express merely the views of this department, and these must govern your action until reversed by a higher authority. It would be a sufficient answer to the inquiry to say that the action of the government is settled by the Constitution. No power is granted to any department to lend money for the relief of any interest. Even the power of

Congress in relation to money is confined to borrowing, and no clause can be found which would sanction so stupendous a scheme as purchasing the entire crop with a view to aid its owners. But it may be said that the Constitution of the Provisional government may be altered by Congress, and that it is the duty of this department to prepare the way for such alteration, if in its judgment the financial necessities of the country demand the change.

I am not disposed, then, to close the inquiry with the abrupt answer thus made by the Constitution, and will proceed to consider the subject upon its intrinsic merits.

Two plans of relief have been proposed. The one is that the government should purchase the entire crop of the country; the other that an advance should be made of part of its value. In either case the payment is to be made by the issue of treasury notes, and, therefore, if we put aside for the present the many and serious objections to the possession, transportation and management of the crop by the government, it becomes simply a question of amount. To purchase the whole crop would require its whole value, less the amount of the subscriptions made to the government. If we estimate the whole crop of cotton at two hundred millions and the subscriptions at fifty millions, the purchase would then require one hundred and fifty millions of treasury notes, and, if to this sum be added the amount of values for other agricultural products, which would certainly claim the same benefit, the sum required would probably reach one hundred and seventy-five millions.

The amount called for by the other plan of making an advance would depend upon the proportion of that advance. Few of the advocates of this plan have put it lower than five cents per pound on cotton, and at the same rate on other produce. It may, therefore, be very fairly set down at about one hundred millions.

If we consider first, the least objectionable of these plans, it is certainly that which requires the smallest sum; and if this be found impracticable, the larger must of necessity be rejected. Our inquiry, then, may be narrowed down to a proposal that the government should issue one hundred millions of treasury notes, to be distributed among the planting community upon the pledge of the forthcoming crop.

The first remarkable feature in this scheme is that it proposes that a new government, yet struggling for existence, should reject all the lessons of experience and undertake that which no government, however long established, has yet succeeded in effecting. The "organization of labor" has called forth many ingenious attempts, both speculative and practical, among well-established governments, but always with disastrous failure. With us, however, the experiment is proposed to a new government, which is engaged in a gigantic war, and which must rely on credit to furnish means to carry on that war. Our enemies are in

possession of all the munitions and workshops which have been collected during forty-five years of peace—their fleets have been built up at our joint expense. With all these on hand, they yet are obliged to expend nearly ten millions of dollars per week to carry on the war. Can we expect to contend with them at less than half that expenditure? Supposing that it may require two hundred millions of dollars; then the proposal is that at a time when we are called upon to raise this large sum for the support of the government, we shall raise a further sum of one hundred millions for the benefit of the planting interest.

For it must be observed, first, that the government receives no benefit whatever from this advance. The money is paid to each individual planter, and in exchange the government receives only his bond or note—or, if the cotton be purchased, the government receives only certain bales of cotton. That is to say, the government pays out money which is needful to its very existence, and receives in exchange planters' notes or produce, which it does not need and cannot in any way make use of. It must be observed, in the next place, that treasury notes have now become the currency of the country. They are, therefore, at present the measures of value. In this view it is the duty of the government to limit their issue, as far as practicable, to that amount which is the limit of its currency. Every person acquainted with this branch of political science, is aware that if the currency passes this point it not only becomes depreciated, but it disturbs the just relations of society precisely as though an arbitrary authority should change the weights and measures of the country. If the currency of a country should be suddenly extended from one hundred to two hundred millions of dollars, that which was measured by one dollar is now measured by two, and every article must be rated at twice its former price. Of course all contracts are disturbed. The debt incurred before the increase is discharged by paying one-half its former value; and each article purchased must be paid for at double its former price. The government from the necessities of war, is the largest purchaser, and thus, by a kind of suicidal act, compels itself to pay two dollars for what one would have formerly purchased. And at this rate of advance, two hundred millions of dollars can effect no more than one hundred millions of dollars would have effected before; or, in other words, one hundred millions of dollars are actually sunk in the operation.

Such a condition of the currency the government has anxiously endeavored to guard against. The war tax was laid for the purpose of creating a demand for treasury notes, and a security for their redemption. The redundancy has been carefully guarded against by allowing them to be funded in eight per cent. bonds. If necessity shall compel the government to issue for the defense of the country and to keep out two hundred millions, it is plain that every accession must impair and may defeat all these precautions.

If the government should undertake for the sake of private interest so large an increase of issues it may hazard its entire credit and stability. The experiment is too dangerous, and relief for the planters must be sought in some other direction. And may not the remedy be found?

In the first place let the planters immediately take measures for winter crops to relieve the demand for grain and provisions. Let them proceed to divert part of their labor from cotton and make their own clothing and supplies. Then let them apply to the great resource presented by the money capital in banks and private hands. Let this capital come forward and assist the agricultural interest. Heretofore the banks have employed a large part of their capital in the purchase of Northern exchange. Let them apply this portion to factors' acceptances of planters' drafts secured by the pledge of the produce in the planters' hands. An extension of the time usually allowed on these drafts would overcome most of the difficulties. The extension could safely reach the probable time of sale of the crops, inasmuch as the suspension of specie payments throughout the entire Confederacy relieves each bank from calls for coin. The banks are accustomed to manage loans of this character, and will conduct the operation with such skill as will make them mutually advantageous. The amount of advance asked from the banks would be greatly less than if advances were offered by the government; and all the abuses incident to government agencies would be avoided.

It seems to me, therefore, that it is neither necessary nor expedient that the government should embark upon this dangerous experiment. It is far better that each class of the community should endeavor to secure its own existence by its own exertions, and if an effort be at once made by so intelligent a class as the planters, it will result in relief. Delay in these efforts occasioned by vague expectations of relief from the government, which cannot be realized, may defeat that which is yet practicable.

Respectfully, your obedient servant,

C. G. MEMMINGER,
Secretary of the Treasury.

A contributor to the *Charleston Courier*, of the same date from which I extract the foregoing, presents a statement which I append to the answer of Mr. Memminger as conclusive on the point made by General Johnston.

To the Editor of the News and Courier:

The *News and Courier*, quoting from the forthcoming work of General Johnston, gives us the views of the author as to the cause of our failure. Those who ascribed it "to the superior population and greater resources of the Northern States," and those who attributed our defeat to

"a want of perseverance, unanimity and even of loyalty on our own part, "are, in my view," says the General, "both far wrong." We are inclined to believe there is now a third party "wrong." The Confederate government, the General thinks, had the means of filling its treasury, but the "government rejected those means." The necessity of actual money in the treasury, and the mode of raising it, were generally understood in the country. It was that the government should take the cotton from the owners and send it to Europe as fast as possible, to be sold there. This was easily practicable, for the owners were ready to accept any terms the government might fix, and sending to Europe was easy in all the first year of the Confederacy's existence. Its government went into operation early in February. The blockade of the Southern ports were proclaimed in May, but was not at all effective until the end of the following winter, so that there was a period of about twelve months for the operation of converting four million or five million bales of cotton in money. The sum raised in that way would have enabled the War Department to procure at once arms enough for five hundred thousand men; and after that the Confederate Treasury would have been much richer than that of the United States."

Let us examine the facts upon which this theory rests, and without the support of which it must necessarily fall to the ground. The crop of cotton available for this scheme must necessarily have been that of 1860–61. It could not have been the crop of which the seed was not yet put in the ground when the government was formed in Montgomery. What was then the crop of 1860–61? Was it 4,000,000 to 5,000,000 bales, and was it accessible for immediate exportation?

The crop of 1860–61 was officially stated at 3,849,000 bales. Of this quantity the consumption of the Southern States took off 193,000 bales. Leaving for exportation 3,656,000 bales.

Let us now see what proportion of this quantity was available in the way described by General Johnston.

Up to the 28th of February, the month that gave birth to the infant government, 3,000,000 bales had been received at the seaports, and the great bulk of it had been exported to Europe or been sold to the New England spinners. By the 1st of May 586,900 bales more had been received and sold. England and the Continent took 3,127,000 bales. The New England spinners 654,000 bales.

It will thus be seen that before the new government was fairly organized, the entire crop was already beyond its reach. Another crop followed, it is true, but no part of it was ready for market before the month of September ensuing. This all will agree in; and they will also agree that exportation in any quantity was an absolute impossibility. There were no vessels in the ports of the Confederacy; the last had left before the expiration of the sixty days allowed to foreign tonnage under the blockade proclamation. The only vessels that took out cotton after

that time were the foreign steamers that ran the blockade to procure cargoes of cotton for the owners. They came in small numbers, and one or two at a time. Had the government seized one of them for its own use, or prevented them from leaving with cotton, they would have ceased to come. T.

Thus we readily perceive with what facility a theory can be established upon mere conjectures, and how quickly it vanishes before the statement of real facts.

For sometime there has been a statement circulated among the critics which, in substance, amounts to charging Mr. Memminger with a failure to increase the credits of the Confederate Treasury in Europe, when the opportunity was offered him to do so by Baron Erlanger, a prominent banker of Paris. Ascertaining that this statement originated with Mr. James G. Gibbes, of Columbia, South Carolina, I called upon him, and in reply to my inquiry, received the following letter, which distinctly sets forth the charge and names the author:

COLUMBIA, S. C., July 4, 1892.

Colonel Henry D. Capers:

DEAR SIR,—In reply to your request for information with regard to the sale of Confederate securities, I would say that I was sent to Europe in December, 1862, by the Treasury Department of the Confederate States, then under the control of Mr. Memminger, to assist Mr. James Spence, Financial Agent, in disposing of $15,000,000 of Confederate bonds, known as "Cotton Loan Bonds." These bonds being redeemable at the expiration of six months after the termination of the war—at the option of the holder either in cotton at sixpence a pound, or in specie. The bonds were taken over by me. After several weeks of negotiation we found Erlanger & Co., of Frankfort and Paris, more disposed to aid us than any other important house. When Erlanger found, however, that the amount of the proposed loan was limited to $15,000,000 he was very urgent to extend it to a very much larger amount; very properly taking the ground of the great benefits that would accrue to the Confederate cause by enlisting European capital in their success. The instructions, however, being positive, neither Mr. Spence or myself had any power to increase the amount proposed for negotiation. Mr. Erlanger was so decided in his views on the matter that he determined to go to Richmond and see the Confederate authorities on the subject, which he did, but returned having utterly failed in inducing any increase of

the proposed loan; Mr. Memminger emphatically declaring that $15,000,000 would cover all that was then actually needed. Mr. Erlanger returned to Paris about the middle of February, 1863, supremely disgusted at his failure to convince our authorities of the importance of interesting European capital in our cause. It was at last arranged that Erlanger would take the bonds at ninety-five cents. He then advertised for proposals for the loan, to be received up to March 1st, 1863, no bids to be considered less than ninety-five cents. On opening the bids it was found that the aggregate bid amounted to £105,000,000, or $525,000,000, at prices from ninety-five cents to par, mostly about ninety-seven cents, which gave a clear profit of from five to seven cents on the dollar to the firm of Erlanger & Co.

Comment is unnecessary. If the Confederate authorities had secured this large amount of French, English and German capital in their cause there is no earthly doubt but that their efforts would have forced a recognition of the Confederacy and brought about a peaceable solution of affairs.

It has been a matter of surprise to me that so little has been said of the facts of this matter. A few years ago Mr. Barnwell Rhett, now of Huntsville, Alabama, applied to me for the details, but I do not know if he has ever published them.

Mr. Erlanger informed me that after his interview with Mr. Memminger, the Secretary of the Treasury, he tried to induce President Davis to use his influence in the matter. Mr. Erlanger told me that President Davis was indisposed to take any positive action in the matter, as he entrusted the whole matter to the Secretary of the Treasury, but that he *privately* agreed with his views, and thought that it would be a great advantage to extend the loan as much as possible.

(Signed) Yours, very respectfully,

JAMES G. GIBBES.

I have no means of investigating the charge made by Baron Erlanger in his statement to Mr. Gibbes other than by an examination of the records of the Treasury Department and a reference to the official reports of the Secretary of the Treasury to the Confederate Congress. From these it would appear that Baron Erlanger's statement, as reported by Mr. Gibbes, is not in accord either with the letters of the Secretary to Mr. John Slidell, our Minister to France, or with the official reports and recommendations of the Secretary to the Confederate Congress.

I find in the record book of the Secretary's correspondence the following letter to Mr. Slidell, which directly contradicts the statement of the Paris banker, as far as this represents the personal or official views of Mr. Memminger on this subject.

CONFEDERATE STATES OF AMERICA,
TREASURY DEPARTMENT, *Richmond, Va.*, Nov. 7, 1862.

Hon. John Slidell:

MY DEAR SIR,—Your communication to the President, and in answer to my letter of inquiry, with regard to the negotiation of our cotton bonds under the provisions of the act of August, has been referred to me and read with much interest. By the same dispatch I have a letter from Mr. Mason on the same subject.

It is not surprising to me that our securities as authorized by the act of Congress are in demand among the bankers and capitalists of England and on the continent. The provisions of the act, however, does not give to me the authority to do so, or I would avail myself of this opportunity to place the greater part, if not the entire amount of the bonds in foreign markets provided this can be done at par, or near the par value of the bonds in specie. It is now evident that our struggle for independence is to be protracted through at least another year, and in anticipation of the "*uncertain future*," to which you refer, it would be well for us to increase the credit of our government in Europe to the largest possible sum. Granting that I should be mistaken, and that the next year or six months, should bring to an end our struggle by a recognition of the independence of the Confederacy, a surplus to our credit in Europe would greatly aid in an adjustment of our finances.

The act of Congress authorizing the loan evidently provides for funding a part of our outstanding indebtedness in these bonds. This will absorb so much of the loan that I fear I will not be authorized to offer more than fifteen or twenty millions in the markets of Europe. Congress will soon be in session, and then I will endeavor to have the act so amended as to relieve all doubt as to the authority of the Secretary of the Treasury in the premises.

A special messenger will take over the bonds to our financial agent, who will doubtless confer with you on the matter of their negotiation.

. . . . . .

Very respectfully,
(Signed) C. G. MEMMINGER,
Secretary of the Treasury.

In his official report of January 10, 1863, addressed to Hon. T. S. Bocock, Speaker, House of Representatives, C.

S. A., referring to these cotton loan bonds, Mr. Memminger uses the following language :

It is in my judgment advisable that we should improve the present opportunity to largely increase our specie credits in Europe. As a step in this direction I have sent a large amount of the cotton loan bonds, authorized by the act of the last Congress, to our financial agent at Paris, for negotiation, and am advised that they are in demand at the monied centers of Europe. The provisions of the act authorizing this loan are somewhat ambiguous. It is not clear as to whether Congress intended that these bonds should be used in funding treasury notes, or that they should be used in making a foreign loan. I recommend that the act be so amended that the bonds provided for may be used for largely increasing the amount of our specie deposits; also that the rate at which cotton shall be taken, in payment of the coupons of these bonds, when due, shall be reduced to sixpence, and that the option remain as now provided, with the holder to receive cotton at the price per pound, or coin, as he may elect. With this amendment to the act I am assured that purchasers for a large amount of these bonds can readily be found in the markets of Europe.

Again, in his report to Congress, December 7, 1863, referring to these bonds, Mr. Memminger says :

It is not clear what was the design of Congress in authorizing these bonds. The first law passed was in connection with the funding act, and the coupons were thereby made payable at the option of the holder of the bond in coin, or cotton valued at eight pence sterling per pound. The object of this law was obviously to provide means for raising money abroad, and after it was passed, I recommended that the rate at which the cotton was to be taken should be reduced to six pence, or the average price at Liverpool before the war. At this rate purchasers could have been procured at any time before the fall of Vicksburg.

The amendment, which was made to the law by Congress, reduced the price, as proposed, but shifted the option of being paid in cotton from the purchaser to the government. This converted the bond, in the view of an European purchaser, into a single six per cent. money bond, with the interest payable here. The absence of the right to require cotton for the bonds took away their availableness in the foreign markets, etc. . . . . .

[See Appendix.]

I deem these records the highest evidence of what Mr. Memminger's views of the financial policy of the govern-

ment really were, and of his actions, as the financial executive of that government, Baron Erlanger, the banker and broker, nevertheless to the contrary.

There is scarcely anything easier for some to do than to criticise the acts of others, after an emergency has transpired, and to censure is, unhappily, so much a characteristic of our humanity that we readily find those who can fix upon some one the responsibility for a failure so disastrous as was the war between the States. A true history of the facts is the best criticism of measures or of statesmanship. Before this tribunal C. G. Memminger may safely appear.

While it is not my purpose to discuss the financial policy of Mr. Memminger with the object in view of adding to the strength of the vindication made by his own words and acts against criticisms made designedly by some, or through ignorance by others, I deem it but an act of simple justice to the worthy Secretary, and due to the truth of history, that I should here notice a reflection which is apparently made by President Davis in his work, "*Rise and Fall of the Confederate Government.*" Referring to the condition of the Confederate finances in 1863, Mr. Davis, on page 491, Vol. I., uses this language :

> The evil effects of this financial condition were but too apparent. In addition to the difficulty presented to the necessary operations of the government and the efficient conduct of the war, the most deplorable of all its results was undoubtedly its corrupting influence on the morals of the people. The possession of large amounts of treasury notes led to a desire for investment, and with a constantly increasing volume of currency there was an equally constant increase of price in all objects of investment. This effect stimulated purchase by the apparent certainty of profit, and a spirit of speculation was thus fostered, which had so debasing an influence and such ruinous consequences that it became our highest duty to remove the cause by prompt and stringent measures.
>
> I, therefore, recommended to Congress in December, 1863, the compulsory reduction of the currency to the amount required by the business of the country, accompanied by a pledge that under no stress of circumstances would the amount be increased. I stated that if the currency was not greatly and promptly reduced, the existing scale of inflated

prices would not only continue, but, by the very fact of the large amounts thus made requisite in the conduct of the war, these prices would reach rates still more extravagant, and the whole system would fall under its own weight, rendering the redemption of the debt impossible and destroying its value in the hands of the holder. If, on the contrary, a funded debt, with interest secured by adequate taxation, could be substituted for the outstanding currency, its entire amount would be made available to the holder, and the government would be in a condition beyond the reach of any probable contingency to prosecute the war to a successful issue.

The effect of this language is to convey the impression that there was a radical defect in the financial policy of the government, which, besides threatening the destruction of the Confederate credits, was "corrupting in its influence on the morals of the people," and that the President, perceiving this to be the case, by his unaided intervention, in the form of recommendations to Congress, unsuggested by the financial officer of the government, had induced the legislation of February, 1864, which remedied the evil.

I cannot believe nor do I charge that Mr. Davis would attempt to add to his own reputation as a financier, or to his fame as a statesman, by depriving a self-sacrificing Cabinet officer of the credit due him, or that he would designedly seek to make of him a scape-goat for the errors of his administration. I prefer rather to believe that the weakness of the President, a pardonable egotism, captured his pen in this instance, and gave a form of expression to his thought, which with the Secretary's reports before him he would have at least modified to the extent of recognizing the source from whence his suggestions were derived.

Upon an examination of the reports of the Secretary in the Appendix to this volume, it will be seen that he not only anticipated the difficulties to which Mr. Davis refers, but had repeatedly called the attention of Congress to them. From his report of January 10, 1863, I take the following:

By a law as invariable as any law of physical nature, prices rise or fall with the actual volume of the whole currency. Neither skill nor

power can vary the result. It is in fact a relation existing between two numbers, the one representing the total values of property and the other the total circulating medium. The nature of that medium cannot change it. It would exist with a currency of gold with as much certainty as with one of paper, if the gold were kept within the country by restraints equal to those which retain the paper. · · · · Prices will reach the height adjusted by the scale of issue, and they can only be restored to their usual condition by a return to the normal standard of currency. In other words, the only remedy for an inflated currency is a reduction of the circulating medium. · · · · Is this reduction practicable? Before answering the question it is important that we should be fully assured of the excessive issue of paper currency. If the country was open to foreign intercourse, the difference in value between coin and paper money would at once afford a test. But in the present condition of trade coin cannot be imported and gold and silver have become articles of commerce like iron and lead. They cannot, therefore, take their usual place as absolute measures of value.

After proceeding to show that other tests—such as bills of exchange, commodities in general use, and of which there was a scarcity, and even real estate—could not, under the existing state of affairs, be made a standard of values; and as such a test by which to determine the excess of the paper currency of the country, the Secretary proceeds to state, in his usual clear and concise manner, that "the remedy which is required, in order to be effective, must therefore withdraw *two-thirds of the entire* volume of the currency. · · · · At the last session of Congress an effort was made by me to attain this result by the proposal for a loan of one-fifth of all gross income, to be paid in treasury notes, in exchange for bonds. The adoption of this measure would have retired a large amount of treasury notes at an early period, and would have checked the advance of prices. It is the misfortune of every such failure that it leaves the evils increasing at a double ratio, and subsequent remedies must be so much the more stringent. All the causes of excess continue in full operation. · · · · The conditions, then, which any sufficient remedy must fulfil, are, *first, prompt,* and *secondly, effective* reduction."

Again, in his report December 7, 1863, the month and year referred to by President Davis, in referring to the enormous sum expressed in the several estimates of expenses made by the several departments of the government, he says: "If these estimates are to be supplied by new issues of currency prices must again increase, and large additions must be made to the figures which represent both currency and estimates. · · · It is obvious that some other mode of raising supplies must be devised, and the necessity is equally obvious of reducing the volume of the currency. . . · In a former report it was shown that one hundred and fifty millions of dollars was probably the amount of currency which could be put in circulation, under existing circumstances, in the Confederate States, without material derangement of values. The currency in circulation when the estimates for the ensuing year were made up was very near four times that amount; and it may be fairly assumed that the prices were then nearly four times what they would have been if the currency had been restored to its original condition. A reduction of the currency, then, should be a preliminary measure." · · · · Continuing, he says: "Thus are we fairly confronted with the three difficulties to be surmounted: 1. The currency must be reduced; 2. The supplies must be raised; 3. The measures to attain these ends must be prompt and certain."

These extracts are sufficient to show to the reader the real source from whence emanated the financial policy mentioned by President Davis. I commend the careful study of the reports of the Secretary to those who would thoroughly comprehend the system adopted by him of issuing treasury notes, and funding, in interest-bearing bonds, a sufficient amount of these to keep the currency at a normal relation with a legitimate measure of value. This plan of Mr. Memminger's was adopted, some time after he had successfully followed it, by Mr. Chase, Secretary of the Treasury of the

United States. The advantages which Secretary Chase had of open ports and free commercial exchanges with European powers enabled him to accomplish results which were only impossible to Mr. Memminger because of the absence of conditions essential to the maintenance of the Confederate credit. If the writer may be permitted to do so, he would also suggest to certain political economists, who are now advocating an indefinite expansion of the curreney of the United States, that the study of the reports of Mr. Memminger to the Confederate Congress will give them an answer to their theories, not only logical and perfect, but which has been approved by the experience of ages.

I do not deem it necessary to give in more extended detail than I have presented the incidents or facts connected with the administration of Mr. Memminger, as Secretary of the Confederate Treasury. These I could not give from any personal knowledge of or relation to them, later than the expiration of the Provisional government on the 18th of February, 1862, when I resigned my office as Chief Clerk and entered the army. Nor would it be other than redundancy with the reports of the Secretary appended to this work. The almost superhuman work which he had undertaken continued to increase with its burdens of responsibility, and in many instances, with its vexatious annoyances. Finally, Mr. Memminger could stand these no longer, and on the 14th day of June, 1864, addressed the following letter of resignation to the President :

TREASURY DEPARTMENT, RICHMOND, June 15, 1864.

His Excellency, the President:

SIR,—You have been aware for several months past of my desire to withdraw from my present official position and of the reasons which restrained me from so doing. With an earnest purpose to devote to the service of my country during the perils which surround her, whatever faculties I may possess, I had nevertheless perceived that the enormous burdens imposed on the Treasury by a war on so vast a scale, and the difficulty of sustaining them had given rise to discontent and to distrust

in the ability of the officer administering the financial department. To the elements of dissatisfaction was added another more grave, and arising from essential differences in the plans submitted by the head of the Department and those adopted by Congress.

In this condition of things it would seem to have been proper to have resigned my office as soon as Congress had passed its judgment against the plans which I had submitted.

Two considerations, however, prevented. The first was a repugnance to any act which could be construed into an abandonment of a post of duty assigned to me during a struggle in which I felt that every citizen owed to his country whatever sacrifice or service was demanded of him. The financial plan, which was finally adopted by the last Congress, had been uncertain until the end of the session. It was not matured until the two Houses had referred the matter to a committee of conference, and it became a law only on the last day of the session. The machinery which was required for its operation was complex and extensive, and by the terms of the law, just forty days were allowed to carry it into complete effect. No new head of the Department, however competent, would have been able to acquire sufficient knowledge of office details in time to have carried out the provisions of this act. The public good, therefore, demanded that I should not leave my post during this period.

The second consideration which prevented was the unwillingness I felt to leave you in opposition to your desire, while you honored me with such confidence as you have manifested, and while your whole energies were still taxed by the great and varied responsibilities attendant upon the office in which Providence has placed you. These considerations now no longer govern. The first is at an end. The funding of the currency has been nearly completed and the entire machinery required by the plans of Congress for taxes and finance is now in full operation. No public interest will suffer by my now giving place to a successor. The second consideration must yield to the conviction that justice to myself and the public, requires me to insist on your acceptance of the resignation which I now tender in the hope that you will be successful in choosing a successor whose views shall harmonize with those of Congress, and who may, on that account, be better able (none can be more earnestly desirous) than I have been to do valuable service to our country.

I confess, sir, that I cannot, without deep emotion, separate from you and my colleagues in the Cabinet. Neither can I do so without bearing testimony that never in the utmost freedom of confidential intercourse have I heard one word or suggestion indicating aught else but a conscientious and disinterested desire to do what was best for the country. It had been my hope that ere our official connection terminated our country would be in full fruition of the peace and independence for which she

has paid so costly a price, and that you, sir, would have enjoyed in the spectacle of her happiness and prosperity the only reward you seek for the ceaseless cares and labors devoted to her service. Though this may not now be, I shall not cease in private life to give my warm co-operation in whatever may conduce to the consummation so ardently desired.

I need scarcely add, Mr. President, that while desiring to be relieved at as early a period as may be practicable, my services remain freely at your disposal until you shall have selected my successor in office.

With heartfelt wishes for your health, happiness and prosperity, I remain, with the highest respect and esteem,

(Signed) Your obedient servant, C. G. MEMMINGER.

To this letter of resignation the President replied as follows :

RICHMOND, VA., June 21, 1864.

To Hon. C. G. Memminger, Secretary Confederate States Treasury, Richmond, Va.:

DEAR SIR,—I have received your letter of the 15th instant stating the grounds on which you deem that justice to yourself and to the public requires you to urge my acceptance of your resignation.

Some months since you expressed a desire to retire, for the reason that in your belief the public service would be promoted by the appointment of a successor whose views of financial policy accorded better than your own with the legislation then lately adopted. I knew the extreme difficulty of conducting the Treasury Department during the pending struggle. I was aware that any officer, however competent, must probably fail to escape the animadversions of those who are ready to attribute to inefficient administration the embarrassment due to legislation not adapted to the existing circumstances. The experience acquired by you in the organization and management of the Department could not be immediately replaced, and for these reasons I was satisfied that the general welfare would be injuriously affected by your withdrawal at that time. You have now at least the consolation and satisfaction to know that your personal wishes were surrendered to a conviction of public duty. Recent events do not warrant me in refusing your renewed request that I should accept your resignation. The regret you express at the prospect of our official separation is sincerely shared by me. From your entrance on the duties of your office, I have observed and appreciated the cheerful and unremitting devotion of all your faculties to the public service, and do not fail to remember that it was at the sacrifice of your private inclinations that you continued to fulfil the arduous duties of your post.

The offer you make of your services until your successor can assume office is in the same patriotic spirit and is accepted as thankfully as it

is generously tendered. At as early a period as practicable I will endeavor to comply with your request to be relieved.

With my grateful acknowledgment for your past assistance and for your very kind expressions of personal regard be assured of the cordial esteem with which I am your friend.

(Signed) JEFFERSON DAVIS.

When Mr. Memminger's resignation became known he not only received many letters cordially expressing regrets and the high esteem in which he was held, from the leading public men and financiers of the South, but with a remarkable unanimity the press—especially of Richmond, Va.; Charleston, S. C., and Montgomery, Ala.—were without stint in the expressions of high encomiums upon his merits as a man and his devotion to the duties of his office. I extract the following from the Richmond (Va.) *Sentinel*, among the many, I find with Mr. Memminger's private papers:

The following correspondence gives confirmation to what has been for some time generally understood, that Hon. C. G. Memminger had asked to be relieved from the duties which for more than three years he had so faithfully, diligently and ably discharged as Secretary of the Treasury. The tributes mutually paid by the parties to the correspondence show the high regard and the just estimate which they have always entertained each for the other. Mr. Memminger has had a most laborious and difficult position to fill—one which demanded the sympathy and generous support of every patriot. He has been in a considerable measure, however, the target of factionists and determined fault-finders, and has been impeded in his public duties by the clamor which they have excited. But those who know him best will say, as history will say, that no Republic ever had a more faithful public servant, or one who more diligently devoted his high capacity, regardless of sacrifice and of personal comfort, to the service of his country. He has well earned the cordial thanks of the Confederacy.

No one was more ready to appreciate a sincerely expressed criticism of his public course than Mr. Memminger, and when assured in his own mind of his rectitude and approved by his conscious sense of self-respect, no one was less affected by either the adulations of a sycophant or the captious objections of mere fault-finders.

There were thousands of these latter people to be found all over the South, who would offer no suggestion for the remedy of evils, but who believed these to result from an unwise administration, without a knowledge of the facts with which the executive had to contend.

It may be readily inferred that but few men capable of filling the office Mr. Memminger had resigned would have the temerity to assume so grave a responsibility and under such trying circumstances. The faithful Secretary was perfectly sincere in the expressions made in his letter of resignation. He was then, as he had ever been, a patriot, ready to devote his energies to the service of his country; and, as a patriot, he would not attempt to perform an office, when, in his judgment, the service required of him was not such as he believed would redound to the public good. Perfectly unselfish, and free from a vain ambition that would prompt him to maintain a position when he knew the ends desired by Congress could not be reached by the methods adopted, he cheerfully resigned his office, hoping, even against hope, that some one could be found who would be wise enough to maintain the credit of the Confederacy in spite of the vicious policy forced upon the Treasury Department by the legislation of Congress. In the conduct of the Treasury Department, especially in devising the general financial policy inaugurated by him at the outset of the government, Mr. Memminger had freely conferred with the leading business men of the South. With none had he consulted more fully than with Mr. George A. Trenholm, of the great house of Fraser, Trenholm & Co., of Charleston, S. C. Mr. Trenholm's reputation in the sphere in which he had been engaged was widely known, and his skill fully appreciated by Mr. Memminger, who knew him to be among the best of the financiers of Charleston. Under the circumstances, his selection as the successor of Mr. Memminger was to a great

extent an endorsement of the general policy pursued by the Secretary, which, if possible, made more emphatic the compliment of the President in his letter accepting his resignation.

As soon as Mr. Trenholm was properly installed in office and was made familiar with the general details of the department, Mr. Memminger retired to his inviting country seat at Flat Rock, North Carolina, to enjoy a release from the official cares that had long burdened his mind and taxed his physical strength. While his residence in Richmond was a center of social attraction, and in its circle he found a degree of release from his official duties, it was not until these responsibilities had been transferred entirely to another, and he was free to enjoy a well-merited rest from his almost superhuman labors, that he experienced that happiness which is the reflex of duty well discharged—the "*mens sibi conscia recti.*"

Mr. Memminger had been among the first of the seaboard gentlemen to perceive the natural beauties and attractiveness of the Flat Rock region of western North Carolina. There was much to attract him among the grand mountains, in the limpid streams, the clear skies and charming landscapes of this section, and here, with Judge King, of Charleston, he was among the pioneers who as far back as 1835 or 1840 began the establishment of summer homes, as places of refuge from the heat and malaria of the sea coast. Here he improved "Rock Hill" and made it a place of rest, and for many years it became his loved mountain home. To its natural attractions he had added year after year the elegant adornments of a cultivated taste, until "Rock Hill" became an estate and a sweet home, of which he was justly proud, and to which he was much attached. To this home he brought with him the anxious solicitude of a patriot, who plainly saw coming, with the certainty of a doom he was powerless to prevent, the overthrow of his country's hopes,

and here, with the loves of his hearthstone about him, he waited the inevitable result.

"Rock Hill" must be seen by the appreciative to be enjoyed in all of the loveliness of its many attractive features. Its lake of pure water, its green sward, its beautiful hills and grand forest trees, among which graveled walks and carriage drives led up to the seat of a noble hospitality, to a home where all that a refined taste and a cultured mind could gather of adornment or secure of comfort. Such was "Rock Hill," an earthly Paradise to Mr. Memminger, a sweet retreat from all the clamor and clatter of the world.

> "How blest is he who crowns in shades like these,
> A youth of labor with an age of ease."

The last scenes in the terrible drama of war were now being enacted.

Laocoon was at last in the toils of the serpent.

Richmond was being invested by an army immensely superior to the Confederate forces in numbers and in equipment, and Sherman was marching with his unopposed legions to the rear of General Lee. Under these circumstances, Mr. Memminger did not deem it prudent to take his family to his home in Charleston, which had welcomed his coming in the past with each return of the winter's frost. He remained at "Rock Hill," and was there informed of the surrender of General Lee's decimated army, and the triumph of Sherman at Bentonville. Here he received the decree of a fate he knew to be coming, but which as far as his personal security was involved, he could only surmise.

For some months after the cessation of hostilities every section of the South was more or less overrun with Federal troops, who were in their organizations the evidences of the power that had brought the States of the Confederacy to the humiliation of defeat. In the majority of instances these detachments would support the most arbitrary exactions of their commanding officers and were the means by which a

system of military government was instituted, which was only withdrawn when the vindictive spirit and ill-advised policy of the political party in power at Washington city had transferred the government of the conquered States to adventurers, to unscrupulous local politicians, and to ignorant negroes.

The peaceful seclusion of "Rock Hill" did not escape the visits of these soldiers. While subjected to the annoyances incident to their presence, Mr. Memminger escaped the arrest and imprisonment of others who had taken an active part in the administration of the Confederate government. He was made, however, to suffer in other respects. His residence in Charleston, furnished, and at the time occupied by his representatives, was seized, under the pretext of being abandoned, by the agent of the "Bureau of Refugees, Freedmen and Abandoned Lands." As if to add insult to injury a grim satire was perpetrated by the Commissioner of this Bureau in Charleston, who converted this elegant home into an "Asylum for negro orphan children," who were gathered there in troops irrespective of their claims to a legitimate orphanage, and made at home in a mansion that had known only the care and the presence of a family now ruthlessly denied its many comforts. These evils Mr. Memminger bore with a spirit of resignation characteristic of the Christian philosophy that had been his stay under all circumstances of trial. Without yielding to childish regrets, he bowed with grace to the inevitable, protesting with manly firmness to the government at Washington against the action of their agent.

In the midst of the general gloom that settled upon the South and that awakened forebodings of evils to come, more serious than had yet overtaken this devoted land, Mr. Memminger remained the sincere and earnest patriot. He did not cease to exercise his mind in suggesting such a course of procedure as he believed would restore prosperity

to the country, by preparing the recently liberated negroes to assume intelligently the rights of citizenship. It is one of the highest evidences of his patriotism that Mr. Memminger should under the circumstances surrounding him, have forgotten his personal interests and safety in seeking to relieve the distress of his people. While others had sought safety for themselves in flight, and remained in security under the protection of foreign flags, he not only remained to share the fate of his people, but he volunteered in their behalf the wisdom of his counsel, which even his enemies in the light of a sad experience, must admit to have been as philosophic as the motives inspiring them were unselfish and patriotic. On the 4th of September, 1865, while the political status of the negro was under discussion in Congress he addressed the following communication to President Johnson :

FLAT ROCK, September 4, 1865.

To His Excellency Andrew Johnson, President of the United States :

Every Southern man is so deeply interested in the great questions of public policy which are now under your consideration that it will scarcely be deemed officious in one of them to offer you some suggestions, if made solely with a view to the public good. Although I am not personally known to your Excellency, and at present am under the ban of the government, yet I feel assured that your judgment can easily discern the ring of truth, and will justly appreciate any effort to relieve the immense responsibilities which are now pressing upon you.

I take it for granted that the whole Southern country accepts emancipation from slavery as the condition of the African race; but neither the North nor the South have yet defined what is included in that emancipation. The boundaries are widely apart which mark on the one side, political equality with the white race, and on the other a simple recognition of personal liberty. With our own race ages have intervened between the advance from one of these boundaries to the other. No other people have been able to make equal progress, and many have not yet lost sight of the original point of starting. Great Britain has made the nearest approach; Russia has just started, and the other nations of Europe, after ages of struggle, are yet on the way from one point to the other, none of them having yet advanced even to the position attained by England.

The question now pending is as to the station in this wide interval which shall be assigned to the African race. Does that race possess qualities, or does it exhibit any peculiar fitness, which will dispense with the training which our own race has undergone, and authorize us at once to advance them to equal rights? It seems to me that this point has been decided already by the laws of the free States. None of them have yet permitted equality; and the greater part assert the unfitness of the African by denying him any participation in political power.

The country, then, seems prepared to assign this race an inferior condition, but the precise nature of that condition is yet to be defined; and also the government which shall regulate it. I observe that you have already decided, and I think wisely, that the adjustment of the right of suffrage belongs to the State governments, and should be left there. But this, as well as most of the other questions on this subject, rest upon the decision which shall be made upon the mode of organizing the labor of the African race. The Northern people seem generally to suppose that the simple emancipation from slavery will elevate the African to the condition of the white laboring classes, and that contracts and competition will secure the proper distribution of labor. They see on the one hand the owner of land wanting laborers, and on the other a multitude of landless laborers without employment; and they naturally conclude that the law of supply and demand will adjust the exchange in the same manner as it would at the North. But they are not aware of the attending circumstances which will disappoint these calculations.

The laborer, in the Southern States, with his whole family occupies the houses of his employer, built upon plantations widely separate. The employment of a laborer involves the employment and support of his whole family. Should the employer be discontent with any laborers and desire to substitute others in their place, before he can effect that object, he must proceed to turn out the first, with their entire families, so as to have houses for their successors. Then he must encounter the uncertainty and delay in procuring other laborers; and also the hostility of the laborers on his plantation, which would probably exhibit itself in sympathy with the ejected families and with combinations against his interests. Should this occur at any critical period of the crop its entire loss would ensue. Nor would his prospects of relief from other plantations be hopeful. On them arrangements will have been made for the year, and the obstructions of laborers from them would result in new disorganizations. The employer would thus be wholly at the mercy of the laborer.

It may be asked why the laborer is more likely to fail in the performance of his contract than his employer? The reasons are obvious. The employer, by the possession of property, affords a guarantee by which the law can compel his performance. The laborer can offer no such

guarantee and nothing is left to control him but a sense of the obligation of the contract. The force of this remedy depends upon the degree of conscientiousness and intelligence attained by the bulk of a people.

It is well known that one of the latest and most important fruits of civilization is a perception of the obligations of contracts. Even in cultivated nations, the law must be sharpened at all points to meet the efforts to escape from a contract which has become onerous; and nothing short of a high sense of commercial honor and integrity will secure its strict performance. It would be vain under any circumstances to count upon such performance from an ignorant and ungoverned population. But when that population is, from constitution or habit, peculiarly subject to the vices of an inferior race, nothing short of years of education and training can bring about that state of moral rectitude and habitual and self-constraint which would secure the regular performance of contracts. In the present case to these general causes must be added the natural indolence of the African race, and the belief now universal among them, that they are released from any obligation to labor. Under these circumstances the employer would have so little inducements to risk his capital in the hands of the laborer, or to advance money for food and working animals in cultivating a crop which when reaped would be at the mercy of the laborers, that he will certainly endeavor to make other arrangements. The effect will be the abandonment of the negro to his indolent habits and the probable relapse of large portions of the country into its original forest condition. The two races, instead of exchanging mutual good offices, will inflict mutual evil on each other; and the final result must be the destruction or the removal of the inferior race.

The appropriate remedy for these evils evidently points to the necessity of training the inferior race; and we are naturally lead to look to the means which would be employed by our own race for the same purpose. The African is virtually in the condition of the youth, whose inexperience and want of skill unfit him for the privileges of manhood. He is subjected to the guidance and control of one better informed. He is bound as an apprentice to be trained and directed; and is under restraint until he is capable of discharging the duties of manhood.

Such, it seems to me, is the proper instrumentality which sho uld now be applied to the African race. The vast body are now substantially in a state of minority, and are incapable of assuming the position of proper self-regulation. They have all their lives been subject to the control and direction of another, and at present are wholly incapable of self-government. Alongside of them are their former masters, fully capable of guiding and instructing them, needing their labor, and not yet alienated from them in feeling. The great point to be attained is the generous application by the one of his superior skill and resources,

and their kindly reception by the other. This can be effected only by some relation of acknowledged dependence. Let the untrained and incapable African be placed under indentures of apprenticeship to his former master under such regulations as will secure both parties from wrong, and whenever the apprentice shall have obtained the habits and knowledge requisite for discharging the duties of a citizen, let him then be advanced from youth to manhood, and be placed in the exercise of a citizen's rights and the enjoyment of the privileges attending such a change. I have no means of procuring here a copy of the laws passed by the British Parliament on this subject for the West India Colonies. They are founded on this idea of apprenticeship. Such an adjustment of the relations of the two races would overcome many difficulties, and would enable the emancipation experiment to be made under the most favorable circumstances. The experience of the British Colonies would afford valuable means for improving the original plans; and, no doubt, the practical common sense of our people can, by amending their errors, devise the best possible solution of the problem, and afford the largest amount of good to the African race.

The only question which would remain would be as to the government which should enact and administer the laws. Unquestionably the jurisdiction under the Constitution of the United States belongs to the States. This fact will most probably disincline the Congress to an early recognition of the Southern States upon their original footing under the Constitution, from the apprehension of harsh measures towards their former slaves. The difficulty would be obviated if a satisfactory adjustment could be previously made of the footing upon which the two races are to stand. If, by general agreement, an apprentice system could be adopted in some form which would be satisfactory as well as obligatory, it seems to me that most of the evils now existing, or soon to arise, would be remedied, and that a fair start would be made in the proper direction. The details of the plan could be adjusted from the experience of the British Colonies, and if it should result in proving the capacity of the African race to stand upon the same platform with the white man, I doubt not but that the South will receive that conclusion with satisfaction fully equal to that of any other State..

All of which is respectfully submitted, in the hope that laying aside all passion such an adjustment of this most important matter may be reached as in the end will be to the mutual good of both races, and advance, rather than retard, a return of prosperity to our country.

I am not aware that this communication was answered by President Johnson—at least I can find no record of the fact among the papers of Mr. Memminger. The fact of history is that the Republican party, then in power, inflamed in

passion and controlled by a fanatical sentiment, not only prepared articles of impeachment against President Johnson for his alleged treasonable sympathy with the South, but passed the civil-rights bill, conferring all the rights of citizenship upon the liberated slaves, irrespective of their fitness for the exercise of these functions, or of their "past condition of servitude."

With the cheering presence of his loved family circle, the entertainment of his library, and in correspondence with friends, there was at "Rock Hill" enough to engage the mind of Mr. Memminger and to bring a sweet solace to the disappointed hopes of the patriot. When not engaged with the details of his farm, he could always find about his hearthstone the superior joys of a noble, true life, and in the sympathies of his friends a consolation appreciated by him because of the sincerity of their expressions.

Among his letters received during the fall and winter of 1865, I find the following from General Lee, which gives a beautiful illustration of the character of the great chieftain, while it evidences his personal regard for Mr. Memminger:

LEXINGTON, 27th November, 1865.

Hon. C. G. Memminger:

MY DEAR SIR,—Your letter of the 7th instant only reached me a few days since and has given me sincere pleasure. I have often thought of you in your distant home, with the prayerful hope that a kind Providence would shield you and yours from all evil, and I am truly glad to know that our merciful God has kept you under the shadow of His wing and has returned to you unharmed your brave sons.

Although our losses have been great, we have yet much to be grateful for, and since they have been permitted by Him who ordereth all things for our good, so I am assured it will be proved in this instance if we be but patient and faithful to the end.

Your kind sympathy and continued friendship are very cheering to me, and I trust I may be enabled to fulfill here the same purpose which has governed me in my previous life—to do the good I could to my State and country. If I can accomplish this it matters but little in what position I may be.

I hope your house at Charleston may soon be restored to you and that a new field of usefulness be opened to you and your sons—the resto-

ration and advancement of the South. May your efforts be abundantly blessed. I have been unable as yet to have my family with me, but I hope to accomplish it next month, at least so far as Mrs. Lee and some of my daughters are concerned. We are much scattered. My son Custis is one of the professors at the Virginia Military Institute, and is, therefore, near me. He joins me in kindest regards to yourself and family, and I send my special remembrances to Mrs. Memminger and your daughters.

With great respect and undiminished esteem,

I am most truly yours,

(Signed) R. E. Lee.

It was some time before the devoted city of Charleston could resume her commercial relations with the interior of the United States and with the seaports of the world. Beyond and far in excess of the terrible damage to the city, by a long bombardment and a demoralizing war, was the presence of those in her midst, who, following the successful armies, were seeking in every possible manner to humiliate the proud spirit of her citizens by subjecting them to the government of their former slaves, and who, under the sanction of forces impossible then to resist, were administering a State and municipal government that destroyed every legitimate basis of credit in the extravagance of the most licentious legislation. Mr. Memminger longed to return to his home in the stricken city. His friends there were needing his advice and required his legal experience to direct them in their troubles. To his natural desire to resume the duties of citizenship, which he had to an extent suspended when he entered the Confederate service, was added the necessity of providing a better income than could be secured from the wreck of his former fortune.

He had applied to the Federal authorities for the restoration of his home, which in no sense had been abandoned by him, and for this reason was not subject to the unrighteous sequestration law under which it had been appropriated by the "Freedmen's Bureau." He had also applied for a "par-

don," under the provisions of the act of Congress requiring all persons who were the owners of twenty thousand dollars' worth of real and personal property, "and who had engaged in the rebellion against the United States," to receive, upon the approval of the President, a pardon, without which they were incapable of engaging in business transactions or exercising the rights of citizenship.

CHAPTER VIII.

Return to Private Life—His Death.

THE memorial of Mr. Memminger, praying to be admitted to the benefits of the amnesty proclamation of President Johnson, distinctly sets forth the reasons that induced him to enter the service of the Confederate States, and why he now desired to be restored to the rights of a citizen in the United States. It is in these words :

To His Excellency Andrew Johnson, President of the United States :

The memorial of C. G. Memminger, of South Carolina, respectfully showeth—

That your memorialist is excluded from the benefit of the amnesty proclamation of the President of the United States under two of the exceptions made therein—namely, that which excepts persons who held office under the late Confederate government, and that which excludes persons whose property exceeded twenty thousand dollars in value.

Your memorialist engaged in the late war with the United States under the conviction that his duty to the State of South Carolina, of which he was a citizen, required him to do so. That State in the year of 1834, by a convention of her people, asserted the doctrine that paramount allegiance was due to her, and by an amendment of her Constitution required a corresponding oath from her citizens, which oath your memorialist has been repeatedly required to take as a public officer. In 1851 another convention asserted the right to secede from the Union, and in 1860 that assertion was practically put in operation by an ordinance of secession. In 1865 the State by another convention has repealed this ordinance and resumed her place in the Union, and by a change of the State Constitution has receded from the position taken in 1834 and in 1851, and thereby relieves her citizens from the conflicting duties of obedience to the Federal and State authorities. Under these circumstances your memorialist, with the same sincerity and conviction of duty which has hitherto governed him, respectfully proffers his submission to the authorities of the United States, and hereby declares

his readiness to discharge the duties of a citizen of the United States. He has accordingly taken the oath required by the amnesty proclamation, a copy whereof is hereunto annexed, and respectfully prays that the benefits of the said amnesty may be extended to him, and that he may be admitted to all the privileges of a citizen of the United States; and your memorialist will ever pray, etc.

Pending the consideration of this memorial the home of Mr. Memminger in Charleston continued to be occupied by the Freedmen's Bureau. Time and again he had applied for its restoration without avail. Finally, and as the result of an appeal to the President and to his Secretary of State, Mr. Seward, orders were issued to the Commissioner at Charleston to provide another place for the negro "*orphan*" children and restore Mr. Memminger to his property "*at a reasonable rental until the decision of the President shall be had with regard to his pardon.*" This "*pardon*" finally came, and Mr. Memminger was fully restored to all of his "*rights, immunities and privileges*" as a citizen of the United States.

I give the order of the Commissioner restoring him to the possession of his home as one of the curiosities of that period.

HEADQUARTERS ASSISTANT COMMISSIONER
BUREAU REFUGEES, FREEDMEN AND ABANDONED LANDS, SOUTH CAROLINA,
Charleston, S. C., January 7, 1867.

C. G. Memminger, an applicant for the restoration of house and lot, corner of Wentworth and Smith streets, Charleston, S. C., held by the "Bureau of Refugees, Freedmen and Abandoned Lands," having conformed to the requirements of Circular 15, of said Bureau, dated Washington, D. C., September 12, 1865, the aforesaid property is hereby restored to his possession; it being understood that such restoration does not include the rents or other profits that may have accrued to the United States government during the time the said property has been in his possession, and that the aforesaid C. G. Memminger relinquishes all claims against the United States government for damages.

By direction of the War Department this property is restored subject to the present occupancy of the premises for military purposes.

(Signed) R. K. SCOTT,
Brevet Major-General, Assistant Commissioner.

If the presence of this order from one who was notorious in South Carolina for his method of filling his purse should

mar this page, it is nevertheless a historic document, and will give to the reader one of the many "*forms of law*," by which our helpless people were deprived of their property, and in some instances, were reduced to actual want.

It was not long after this order was issued before the liberal application of disinfectants with the painter's brush and the mechanic's skill had made the dear old home again to look as in days of yore, and the happy family were once more gathered together at its fireside altars.

Mr. Memminger rejoined his faithful partner, Mr. William Jervey, and commenced again the active practice of law. Returning to the responsibilities which, for some time, he had to a great extent, transferred to his faithful partner, Mr. Memminger found him at his post of duty ready to aid him in labors inseparable from the proper discharge of professional obligations. Beyond the friendly regard, which a long and pleasant relation had engendered, Mr. Memminger was much attached to Mr. Jervey. His integrity as a man, and many manly virtues, had, by a moral law of affinity, drawn these good men together in relations that had assumed the closest friendship. Mr. Memminger was not one of those whose confidence could be easily won, and was seldom mistaken in his estimate of character. As his respect for the revealed character of an individual grew his friendship slowly, but certainly followed; the one preceded the other as a cause goes before an effect. I can best give the reader an outline of the character of Mr. Jervey by extracting from the proceedings of the "Bar Association" of Charleston, the address of Mr. Memminger, as reported in the *Charleston Daily News*, of September 15, 1870. It is as follows:

Colonel C. G. Memminger introduced the following preamble and resolutions, and spoke in the most glowing terms of Mr. Jervey. His words were beautifully chosen, and showed that he keenly felt the loss of his friend and colleague of thirty years, during the whole of which

time he had been intimately associated with him in all of the most trying relations of life, and had never once known him to use an unkind tone or word. Like a ripe shock of corn he has been gathered. It grieves me to lose so true a friend, yet I would not call him back for one moment. The eminent characteristic of this good man was purity. He honestly used all the means God gave him to cultivate his intellect. Those who come hereafter may point to his record and say, "This is the man to imitate." Another one of the ancient and most highly revered members of our brotherhood has been taken from us, and we are here met to deplore our loss and to record our estimate of his worth. William Jervey, who has moved among us for more than thirty-five years, the pattern of professional excellence and the example of private virtue, has finished his course, and was called to rest on Friday last, the 9th instant. The loss is ours, the gain is his.

The influence and example of such a man are of inestimable value. Every member of our profession who has been brought in contact with him will bear testimony to the purity of his character, his unfailing courtesy and watchful kindness. His motives of action were so transparent that no single spot obscured their beauty; perfectly single-minded and sincere, his straight-forward integrity impressed all that had business relations with him, and his high-toned truthfulness inspired entire confidence. To all this were added a mildness and readiness to impart knowledge, which drew to him his younger brethren, and there are many around me who will deplore his removal as the loss of a friend and a brother.

Although well qualified by position, attainments and character to take part in public life, he steadfastly avoided all public office and devoted himself to the duties of his profession. Nevertheless, as an individual citizen, he was always ready to take his place wherever duty called, and although not obtrusive, was ever firm and consistent. His integrity was combined with that generosity of nature, which, while it soared entirely above the region of wrong, was always ready to make allowance for and to forgive the weakness of others. Kindness and charity were his daily companions, and the symmetry of his character was completed by Christian consistency: therefore,

Resolved, That in the death of William Jervey the Bar of Charleston has lost one of its most cherished and respected members.

Resolved, That the purity, integrity, and excellence of character of the deceased stand forth a conspicuous monument of the virtues of the Charleston Bar.

It may be assumed that a law firm, having at its head one possessing his knowledge and experience, and who was so widely known and respected as was Mr. Memminger, would not be without a good clientage.

For many years preceding the revolution that had drawn him into its vortex, he had been in the front rank of the many eminent men who had made the Bar of Charleston and of South Carolina distinguished for its high character, and was justly regarded as authority on all questions of commercial law. The deranged condition of all business affairs, and especially the changed relations between master and servant, brought about by the unwise and vindictive legislation of the Federal Congress, had brought to ruin many large estates, while the local and State governments had so depressed the commerce of Charleston that the good lawyer found more than ever to engage his mind, to tax his sympathies, and to consume his time.

In order to meet these increased labors, Mr. C. C. Pinckney, Jr., the son-in-law of Mr. Memminger, who had just been admitted, was added to the firm on January 1, 1887.

Between him and Mr. Memminger there always subsisted the warmest relations of sympathy and admiration on the part of the junior, and confidence and affection on the part of the senior.

The active mind and energetic spirit of Mr. Memminger were not to be confined to the routine duties of a lawyer in full practice. There were other avenues of enterprise opening about him, into which he was drawn by circumstances which often bring the lawyer into other relations with the business world than those of counsellor and client.

Immense beds of calcareous nodules, containing numerous fossil bones, had long been known to exist in the vicinity of Charleston. While Agassiz, Tuomey, Holmes and other geologists had called attention to these deposits, it was not until the year 1867 that Dr. N. A. Pratt, of Georgia, then resident at Charleston, discovered the large per cent. of available phosphate of lime which they contained. He at once sought to enlist the capitalists of Charleston in an enterprise of manufacturing from these nodules, or "phosphate

rock," as he first denominated the deposit, a commercial fertilizer. The history of the great phosphate industry of South Carolina is one of the many instances in the history of great enterprises where the positive knowledge of science has had, for a time, to seek in vain for recognition among those whose lack of faith was as great as was their unwillingness to use the power of money in the execution of what they believed to be no more than a commercial venture. For a time Dr. Pratt, despite the positive demonstration of his analysis, met only with such objections and skeptical criticisms as evidenced a want of confidence in the value of his discovery. It was not until May, 1868, that the Doctor brought the matter to the consideration of Mr. Memminger, whose business sagacity, enterprising spirit and well-known integrity induced the formation of a company for the manufacture of sulphuric acid and super-phosphates. This company composed of Dr. Pratt, Mr. W. C. Bee, Robert Adger and Mr. Memminger; was chartered as the Sulphuric Acid and Super-Phosphate Company, which name was later changed to the Etiwan Phosphate Company, Mr. Memminger being made president and Dr. Pratt the chemist. On the 14th of December, 1868, the first acid chamber ever built south of Baltimore was in full operation. In an interesting article contributed by Dr. Pratt to *Dixie*, an industrial magazine published at Atlanta, Ga., he says that "this was the first company in the South to manufacture acid on a commercial scale—to-wit, 15,000 pounds per day," and that the manufacture "has continued from that time without interruption."

The operations of the Etiwan Company, thus launched as the pioneer of a grand industry, met with immediate and great success. Under the stimulus of this example, many others, upon the same plan, sprang rapidly up in its wake.

Thus was inaugurated, through the sound judgment and enterprising spirit of Mr. Memminger, in co-operation with

the skill of an eminent chemist, an enterprise which was but the forerunner of the many that have added immensely to the wealth and commerce of Charleston, while they have conferred a great boon upon the planting interests of the whole country. From this initial mill of the Etiwan Company there are now twenty-two companies in active operation in the vicinity of Charleston, manufacturing fertilizers and employing an aggregate capital of $4,500,000, while others, giving employment to many hundred hands, are mining and exporting the crude phosphate rock to foreign ports, the mines of South Carolina being the leading source of supply of phosphate for the world.

While the cares of his law office and the general supervision of the company, whose success was to be the precursor of a return of prosperity to his loved city, occupied his mind, Mr. Memminger was deeply concerned for the welfare of his State. Under the provisions of the "civil rights" act of Congress and of the fifteenth amendment to the Constitution of the United States, the recently liberated slaves were not only enfranchised, but were encouraged to assert the rights of citizenship thus conferred upon them in a manner that was constantly provoking the white citizens of the State to acts of violence. Under the administration of officers appointed from a recently victorious army, and who were supported in their authority by troops garrisoned throughout the State, a government was inaugurated, which in every feature was a disgrace to the power that sustained it and an outrage on the civilization of the age.

The vindictive spirit of the party in control of the government of the United States seemed to be exercised in order to heap upon the devoted people of South Carolina every indignity which malice or passion could suggest.

Ignorant negroes, inflamed by appeals to their impulsive natures, and misled by false and ridiculous promises, elected to every office, from governor to constable, men who

were either unprincipled adventurers, seeking only to better their fortunes, or the debauched native whose licentiousness was among the least of his vices, or the ignorant, the conceited or reckless among their own race. The capital of the proud old Commonwealth, where from the earliest colonial days had been reflected the virtues of the Cavalier and the Huguenot, had become the focal point of all that was mean, servile, and corrupt. The gown that had once been the recognized symbol of dignity, and the vestment of an incorruptible integrity, was unblushingly worn in the courts of the State by men whose claim to citizenship dated no farther back than to the coming of an army of invasion, and whose highest conception of duty was to enforce the measures of the political party in power. The College of the State, grand old alma-mater of statesmen, jurists, scholars and divines, a nursery in which wisdom and virtue had impressed their great truths upon the youth of the State through generations, was made a hot-bed in which to nourish the weeds of passion, prejudice, and spleen, and from which was disseminated among ignorant negroes, a false philosophy and a perverted history. Schoolhouses and academies, under State patronage and State supervision, were presided over by imported teachers, who, between the spelling-book and the black-board, would supplement their professed missionary work by endeavoring to fix in the young negro's mind a bitter hatred of the white people who were once their masters. Under varied pretexts the public treasury had been plundered and the public debt increased to such an extent that complete bankruptcy seemed to be the inevitable fate of the State.

Such was the condition of South Carolina in 1876. Revolting as it may be to every honest person, this picture is not overdrawn.

Aroused by these outrages, the people of South Carolina, to whom had come by right of inheritance, a duty of citi-

zenship more sacred than any obligation they could possibly owe to so corrupt a government, appealing to the virtuous everywhere, by a concerted action and manly courage, worthy of their sires, threw off this infamous government and organized one whose representatives were native-born citizens of known integrity and patriotism. This bloodless revolution has made the year 1876 as memorable in the annals of South Carolina as any in her eventful history. It restored the State government to those to whom it rightfully belonged, and who were worthy of the high trust. It was the triumph of virtue over vice, the courage of truth over the cowardice of falsehood, and the spirit of the Anglo-Saxon race applauded the achievement even amid the snows of New England.

The meeting of the Legislature of 1877 brought to Columbia many members, who in the golden period of the history of South Carolina, had maintained the honor of the State and kept bright her fair escutcheon. Among them was Mr. Memminger, returned from the goodly parish of St. Philips and St. Michaels, and by a constituency he had represented in this body from his early manhood. He was assigned to duty at his old post of honor, and as chairman of the Committee of Ways and Means, brought all the energies of his mind to work to try, if possible, to restore the lost credit of the State.

It would extend this work far beyond the scope intended were I to attempt to give in detail the disgusting revelations which were made when committees proceeded to investigate the affairs of the State and to ascertain the extent to which the public money had been appropriated to private uses, and the credit of the State compromised. At least two large volumes of reports, setting forth in detail the most disgraceful transactions, are to be found among the records of the State, and will no doubt give to some future historian ample material for a narrative of knavery unparalleled

in the annals of legislation. Let it now suffice to say that following these investigations all that it was possible to do was done to bring the most culpable of these offenders to a well-merited punishment. When men of honor at the North, irrespective of their political affiliations, ascertained that South Carolina was redeemed and the affairs of state restored to the management of men whose public and private characters were known to be beyond reproach, a new life was infused into all business enterprises, and in every respect the future of the State became more auspicious, promising a return, at no distant day, of prosperity to her citizens.

It was at this session of the Legislature that Mr. Memminger brought forward a bill to reorganize the South Carolina College. No one of her sons was more attached to his alma-mater and none more active or devoted in her service.

While he was willing to recognize as a fact that education was necessary in order to fit the negro for the proper appreciation of his functions of citizenship, and he was disposed to make the experiment and to urge the Legislature to make a liberal provision for this purpose, his knowledge of human nature assured him that it was best for both races that this training should be conducted at separate institutions.

I regret that I have not been able to secure a report of his speech made in the House of Representatives upon this most important subject. Those who were present inform me that it was among the most logical and eloquent of the many that had been delivered by him in this body and had heretofore given direction to its legislation.

With this session of the Legislature the public life of Mr. Memminger, to a certain extent, was brought to a close. With the adjournment of the House of Representatives he had appeared for the last time in this council chamber of his State, and as a legislator had rendered his last service to a constituency who had long honored him with their confidence.

Having done all that it was possible for him to do in aiding his countrymen to bring back to the State the prosperity she had once known, he closed his long record of service in her behalf, leaving it to posterity, unsullied by a single reprehensible act, and as clean as the motives that inspired his patriotism were pure and unselfish.

It was at this time that a shadow fell across the hearthstone of Mr. Memminger—a chilling shade that sooner or later pales the brightest lights of the happiest home—a shadow coming from far in the infinite future, and reaching across the horizon of life, to envelop the form of some loved one in the mysterious veil of death. She who had been the love of his youth, the companion of his matured years, and the mother of his children, was now before him still and cold in death. The chord that had so long and so sweetly made perfect the harmony of his home was broken, and mute was the harp whose glad refrain had given joy to his soul as the years with their burdens of care went by.

The death of Mrs. Memminger could not but deeply affect one who had the manly nature of her husband. At the grave of his wife he was, as in all things and under all circumstances, a sincere Christian. The faith of his religion gave to him an assurance that the severed ties of his loves would again be united in an immortal state of existence, to which the grave was but a gateway, and with this assurance he moved on to meet the duties of life with the spirit and the manly courage that had always characterized his actions.

One whose whole life has been one of labor, whose mind is yet active in its normal functions, whose physical strength remains to bless his old age, cannot live long without some employment. To work has become a law of being which cannot be suspended without hastening the end of physical existence. He well knew that "absence of occupation is not rest." Whether this fact in the history of

intelligent men had become known to Mr. Memminger, or whether he desired employment, without a consciousness of the operations of the law, it is not at all necessary to discuss here. His experiences could not have been exceptions to a general rule, in this respect; and he worked on to the end of a life protracted through more than four-score years. Full of honors, and held in the highest esteem among his fellow citizens; blessed with fortune, which always comes to reward the judicious labor of the prudent, he might have retired to the dignified seclusion of his charming home at Flat Rock, or spent the evening of his life with the loves of his "City by the Sea."

It was about this time that the enterprise of uniting the commercial centers of the West to the seaboard at Charleston, by a more direct line of railway than was then existing, was revived in the project of the Spartanburg and Asheville railroad. The route surveyed was deemed more practicable than the one located by Rabun Gap, and that had burdened the State with the attempted construction of the Blue Ridge railroad. Always ready to advance the interests of the State and to add to the commercial facilities of her leading seaport, Mr. Memminger accepted the presidency of this railway company, and brought to the discharge of this duty the earnest spirit and honest purpose which had always been his leading business characteristic. He held the office but a short time; long enough, however, to have made the construction of the road an assured fact. He then resigned the presidency and transferred its responsibility to other hands.

In the discharge of the routine duties of his extensive law practice, in the fostering care of the public schools of Charleston, with the loves of his elegant city home, or in the summer at Rock Hill, his well-spent life found a beautiful evening of entertainment and rational repose. He still continued to take a lively interest in public affairs, especially in such matters as affected the interests of the city in whose

welfare he had labored and spent the best years of his life. Charleston was visited by a calamity on the 31st of August, 1886, unprecedented in the history of the cities of the United States. To the demoralizations of a long and unsuccessful war; to the wreck and the ruin of a protracted blockade of her port and bombardment, was now added the indescribable horrors of an earthquake that shook the devoted city to its foundations. While there have been many descriptions given of this appalling disaster; while in the shattered walls and marred features of many historic buildings the artist has made pictures to exhibit the effect of the terrible force that well nigh wrought the complete destruction of the city, no pen or skill of art can convey an adequate idea of the consternation that overwhelmed the good people who, amid every disaster and under every circumstance of misfortune, remained to share the fate of their loved home. This memorable event was not without those features of good that are more or less connected with all evil. Great calamities never befall individuals or communities but that there is aroused a sympathy which overcomes all ill-will, and in acts of generous kindness give expression to the best traits of our humanity. Charleston—contemned by those who only knew of the good city as the "Birthplace of Secession," and who were embittered against her citizens by the misrepresentations of malignant enemies—the city that had been traduced by her rivals in commerce, and had been ridiculed in her misfortunes of war, even by those she had once fostered, now received good words of cheer from every section, and substantial evidences of the fact that behind all censures and all jealousies, there was a respect for the historic place, and an admiration for her gallant citizens stronger than passion and superior to all prejudices.

Among the many of her citizens who came to the relief of the stricken city, and whose energies were freely spent in meeting the greatest emergency in her history, none were

more devoted than her worthy mayor. Without delay he organized every force at his command for the restoration of the city, and in a few months had the satisfaction of seeing Charleston restored, at least in appearance, to as good, if not better, condition than before the earthquake filled her streets with shattered walls and broken columns. In this work the city administration met with so much opposition to the plans adopted as to threaten with delay the restoration of the city. At this juncture of affairs Mr. Memminger published the following "open letter," which had the desired effect, and the city administration continued its great work without further molestation :

To the Hon. Wm. A. Courtney, Mayor of Charleston :

The writer of this article is a reader of history, and he has in his reading frequently been called to notice the fact that every important achievement has been the work of some one man. This man has planned, and really been the efficient agent of the work, and if he had never lived, the work would probably never have had existence.

It seems to me, therefore, that where in any community, an individual takes hold of an enterprise, which it is evident that he completely understands and is eminently fitted to promote, that it exhibits great unwisdom in that community to check his zeal or to tie his hands.

We need some such person to come to our aid at this time, when so many calamities have fallen upon our unfortunate city, and I am one of those who think that you have the qualities which can help us to overcome our difficulties. I am, therefore, much concerned to see that there are persons among us who are endeavoring to discourage your efforts, and I have thought it might repress their action, if they knew how much a single individual has been able to effect under like, or even more untoward, circumstances.

In 1755, about 130 years ago, the earthquake occurred which destroyed the city of Lisbon, with 60,000 of its inhabitants; this catastrophe occurred at a most unfortunate time, for an unwise King had just wasted the entire contents of his treasury in erecting a useless and very expensive building, and when he died could not command money enough for the expenses of his funeral.

With his capital in ruins, his people disheartened, and every public institution in a state of destitution, the Marquis of Pombal, one of the statesmen of Portugal, had the courage to take in hand the reins of government. The people had the good sense to trust him, and in twenty-seven years the capital was rebuilt, and under the judicious

management of the minister, the army and navy was restored, the public institutions all set in healthy action, and with one hundred and sixty-six millions of money collected and deposited in the treasury, he resigned his office, and delivered up his country to the prosperity which followed him.

Now there is no reason why, in some other country, another statesman with equal zeal and less resources, may not at least come within sight of like achievements; and with the success which has attended what you have accomplished, it seems to me that these fault-finders had better stay their hands, but above all, that you should disregard their complaints, and go on, according to your own judgment, and follow the noble example which I have cited. There are many of us, your fellow-citizens, who are looking on, and who will most cordially receive the results, which we believe will follow your exertions here, as they have followed the very successful fire department of Charleston.

(Signed) C. G. MEMMINGER.

With increased years came the failure of the strong physical constitution of Mr. Memminger, and to such an extent that the active duties of his law office were transferred to his junior partner.

There is nothing that brings more satisfaction, that gives a more substantial joy to old age, than the realization of a successful and a well-spent life. Add to this the respect of an appreciative people, their proper recognition of his merit, and the good man's cup is full.

Mr. Memminger lived to realize all of this; to receive in public and in private the sincere expressions of a grateful people's regard, and finally to pass the dividing line between time and eternity with their blessings as a most gracious benediction.

In recognition of his services to the city and to the State, the Legislature of South Carolina authorized the Board of Education in Charleston to erect a suitable memorial of the work that had so long engaged the mind of Mr. Memminger, and to which he had devoted himself in the most unselfish manner. I can give no better description of the memorial, and of the handsome manner in which it was placed among the treasures of Charleston, than by transferring to these

pages the report of the ceremonies on the occasion of its reception by the mayor and city council.

The following report of these proceedings is taken from the *Charleston Courier* of March 1, 1888:

The unveiling of the marble bust of the Hon. C. G. Memminger, in the city council chamber yesterday afternoon, was a significant event. The ceremonies took place in the presence of quite a large assemblage of the friends and supporters of education in this city, and, considering the shining worth of the man whom they were designed to honor, they were of that impressive character that befitted the man and the occasion.

Something of the origin of the ceremony will not be inappropriate at this time. On November 4, 1885, Mr. Memminger's advancing years induced him to withdraw from his wonted activity as chairman of the public school board, which position he had held for nearly the third of a century. The first proposition of the board from which he had retired was to have his portrait painted and hung in the parlor of the Memminger School. It was, however, subsequently deemed more suitable by the board that his gratuitous services for thirty-three years in the cause of education merited a more formal and public recognition. But having no authority for any considerable expenditure of money, the board laid the matter before the General Assembly of South Carolina, and by an act of the Legislature they were authorized to expend such a sum as in their judgment would secure the execution of a suitable public memorial of Mr. Memminger's able and highly appreciated work. The commissioners thought that public expectation would be satisfied and pleased with a memorial embracing a marble bust and pediment, and sent a commission to confer with Valentine, the distinguished Virginian sculptor. This was in 1886, the committee consisting of Messrs. Julian Mitchell, G. W. Dingle, Dr. H. Baer and Judge Simonton, ex-officio chairman of the board of commissioners. As a result of their arrangements the bust was received last fall, but owing to some necessary delay the pediment was not received until later.

The bust has been inspected by Mr. Memminger and his immediate family, who have expressed themselves as much gratified with the likeness and general truth to nature of the admirable work of art. As a work of art, indeed, it has been pronounced by competent judges who have traveled abroad, to be as fine as any sculpture that may be found in Westminster Abbey.

It was also decided that the most suitable place for the memorial was in the council chamber, and upon application to that body the council unanimously granted the position which it now occupies—along the south wall adjacent to Trumble's full length portrait of Washington and Valentine's bust of Robert Y. Hayne.

The following is the inscription on the pediment:

Christopher Gustavus Memminger,
Founder
of the Present Public School System in Charleston.
The City Board of School Commissioners,
with the Approval of the Legislature of South Carolina,
Erect this Memorial,
In Grateful Appreciation of his Services for
Thirty-three Years.

"Heaven doth with us as we with torches do:
Not light them for themselves; for if our virtues
Did not go forth of us, 'twere all alike
As if we had them not."

1887.

Upon the organization of the new board of school commissioners the committee who undertook the arrangements for the memorial were continued in their office and Ex-Mayor Courtenay was added to the number.

It was this committee that arranged all the details for the unveiling yesterday afternoon. Owing to the limited space in the council chamber it was found absolutely necessary to issue invitations to only such a number of ladies and gentlemen as could be comfortably seated in the chamber. There were present the teachers in the public schools, the trustees of the College of Charleston, of the High School, the academic board of the South Carolina Military Academy, members of Mr. Memminger's family, the senators and representatives from Charleston and a few distinguished guests, among whom was Dr. Green, of Boston; a member of the board of trustees of the Peabody fund, and Col. J. H. Rice, State superintendent of education.

Five o'clock yesterday afternoon was appointed as the hour for the unveiling ceremonies. At that time the council chamber was well filled by the invited guests and the members of the city council, for all of whom chairs were provided.

On the rostrum were Mayor Bryan, Judge Simonton, Ex-Mayor Courtenay, the Rev. A. Toomer Porter, D. D., D. M. O'Driscoll, C. F. Panknin, G. W. Dingle, H. Baer, Julian Mitchell, the Rev. Dr. G. R. Brackett, the Rev. R. N. Wells, the Hon. James Simons, Mr. H. P. Archer, Dr. Samuel A. Green, of Boston; Col. J. H. Rice, State superintendent of education; Miss Simonton, principal of the Memminger School; Miss Daisy Smith, Judge Magrath and Ex-School Commissioner L. E. Cordray.

At a few minutes after 5 o'clock the folding doors of the clerk's room parted and forty young ladies of the Memminger School filed into the chamber and took position on the east side of the hall, where they sang "My Country, 'tis of Thee." At the request of Mayor Bryan, Dr. A. Toomer Porter then offered up a prayer, which was as follows:

DR. PORTER'S PRAYER.

Almighty God, the fountain of all wisdom and knowledge: We thank Thee that Thou didst make man in Thine image, and though greatly marred by his fall that he still possesses faculties for acquiring the knowledge of things temporal and eternal. We thank Thee that Thou hast endowed some of Thy creatures with strength of mind and largeness of heart by which their ability and interest are given for the welfare of their fellow-men. We thank Thee that among us one was raised up whose zeal for the improvement of his kind led him to give his great intelligence to the improvement of our schools and to the elevation of the standard of general education. We have come to dedicate to his honor, and thereby to perpetuate his memory, this marble bust that future generations, appreciating the reason of this distinction by his fellow-citizens, may hold him in grateful remembrance, and that this tribute may stimulate others to give their talents for the welfare of society. May we all learn that it is righteousness which exalteth a nation, and that the fear of the Lord is the beginning of wisdom.

But, vanity of vanities, all is vanity, aye, infirmity, death and the grave are the lot of all. Into these Thy servant, whom we would honor, is now passing. We commend him to Thy love and mercy, and pray that his good work may be remembered in that day when we shall all be judged for the deeds done in the body, and shall be rewarded as they be good or evil. We commend our schools, children and teachers; these to whom the interest of education are entrusted, our city, our State, our country, to Thy guidance and protection, and offer all our petitions through the mediation of Thy only begotten Son, Jesus Christ, our Lord. Amen.

The young ladies then sang "Old Friends and Old Times," during which the bust and pediment were unveiled.

MISS DAISY SMITH'S ADDRESS.

Upon the conclusion of the song Miss Daisy P. Smith, a graduate of the Memminger School, delivered the following introductory address, with much feeling and grace:

Mr. Chairman and Gentlemen of the City Board of School Commissioners,—To me has been accorded the privilege of voicing the sentiment of all our citizens on this interesting occasion, the unveiling of the image of him who for three eventful decades has been the guiding spirit in our educational interests.

There are times when words are incompetent for the expression of the heart's emotions and when the voice is too feeble to call an echo from the recesses of feeling which nature guards most jealously. Especially true do we find this now that we have the privilege of expressing our appreciation of one who has fought so nobly for the youth of

Charleston, who took up the children's cause and concentrated all his energies on the establishment of a system of public schools, where the young might cultivate their minds and hearts and fashion them in the mould of which he unconsciously furnished so bright an example.

In 1855, Colonel Memminger and Messrs. Bennett, Bee, Bryan, Magrath, Lebby, Russell, Furman, Richards, Buist, Jervey and others remodelled the old system of State free schools and established the graded-school system, which to-day signalizes our State and city as a great source of public education and advancement. When the sun of their lives had reached its meridian they consecrated heart and hand to their noble work, and "pressed forward toward the mark of the high calling" assigned to them, with only the aid of hope and faith.

But there is one amidst this group of honored men whose name is engraved most deeply on the hearts of the pupils and graduates of the Memminger School, whose love and patronage have been especially theirs, and whose life has for long years been blended with theirs as the patriarch of one large family. His name is graven at the portals of its halls; he is held in grateful remembrance by us all, but especially by those who have had the good fortune to come beneath his guidance and protection. Colonel Memminger fully comprehended the depth of woman's nature, and realized the fact that the world cannot rise by man's elevation alone; that in accordance with Divine law, the intellectual (as well as the material) world is held in its true orbit by the combined influences of two varied but equivalent forces.

With the spirit of a knight, he fought for woman's elevation, building, with the granite blocks of a thorough education, from the foundation, slowly, but surely upwards to the position of his ideal, a basis worthy of all noble women. He loved his ideal and wrought to mould it perfectly. He became her friend and the protector of her rights, but not such rights as we hear demanded from the rostrum; not these, for by her endeavor to fill such offices, woman loses her characteristic privileges, those of being the gentle influence in the chaos of violent force and will, the loving sister, gentle wife and tender mother, calling forth the softer side of his nature. For these he worked and opened to them the doors of an advantage which is all too sadly neglected while the opportunity lasts.

Could the girls of our State realize the value of the privileges offered them by these institutions of learning; could they appreciate the lustre which education gives to woman, our halls would ring with triple the number of voices that quiver through them now, and the image which stands unveiled before us to-day would be the object of a purer devotion than that which inspired the pagans of ancient days.

Many are and have been interested in us, and many have furnished as great pecuniary assistance as Colonel Memminger, but none beside him have labored for thirty long years to influence public opinion, with-

standing the storm of opposition in two sessions of the Legislature, and meeting and defeating all obstacles with an indomitable will. He faltered before no foe but age. We reverence the silvery head which, until lately, bent faithfully and lovingly o'er its task.

We cannot realize how hard it must be for the once active brain to be no longer busied in the interests it loved so well, or for the hands to lie idle while their work becomes that of others; but it seems as if it must be like unto the sadness of the mother when she sees her child go forth from her care and watchfulness, and feels that the silken cords which bound mother and child as protector and dependent are loosened forever. But through the halls of affection and gratitude his spirit shall walk a welcome guest, and every lineament of his countenance shall be graven, not only on thy chaste stone, oh, statue! but on the tablets of loving hearts.

JUDGE SIMONTON'S ADDRESS.

Mr. Mayor and Gentlemen of the City Council,—This occasion is full of interest, yet mournful, for we stand within the shadow of the grave. You crown the effort we have made in recognition of the merit of a most worthy and most venerable fellow-citizen.

In November, 1885, Mr. Memminger, pressed by the infirmities of age terminated his connection with the city board of school commissioners. For more than the life of a generation he had filled the post of chairman, and had led the board by his counsels. His associates could not permit the occasion to pass without an expression of the value of his long and arduous service to the community in this important position. On the motion of Mr. Mitchell, it was resolved that a bust of Mr. Memminger in marble be procured to be placed in some conspicuous location. The General Assembly of the State, without a dissenting voice, sanctioned this use of the public money. Mr. Memminger gratified the wish of the board. The services of Mr. Edward V. Valentine, of Richmond, whose genius had illustrated the tomb of General R. E. Lee, were secured. This exquisite work of art which has just been unveiled is the result. We have before us the living, speaking, characteristic likeness of Mr. Memminger.

If any man in this community deserves this marked expression of public gratitude for public service, that man is the Hon. C. G. Memminger. Himself a conspicuous example of the great advantage of early and careful intellectual training, he has more than repaid his debt to them by becoming the educator of this community.

From the earliest period of her colonial history, this Commonwealth has realized the necessity for public and free education. By private munificence and public bounty it was sought to supply this necessity. Free schools were founded when the colonists were contending for existence with foes without and foes within our borders. And so all along

her progress South Carolina kept up her care for the education of the masses. But, for the want of a proper system and of needed discipline, these efforts did not produce the success they deserved. Our free schools, even in the more dense population of towns and villages, reached no high standard. They were resorted to only when it was impossible to secure private instruction. In 1855 a board of commissioners was selected for this city, filled with men of more enlightened and progressive views on the subject of education, among these were Mr. Memminger and Mr. W. J. Bennett. It must always be remembered that to Mr. Bennett also must be accorded full praise as a pioneer in the new work of the board. These two gentlemen realized that a change of system was needed in the schools. With great earnestness and care they investigated the whole subject. By personal visit and examination they became satisfied with the education of the public school system which has done so much for New England. They induced its introduction into our schools. Their active energy inaugurated the system. Their watchful care fostered, encouraged and established it.

Mr. Memminger, at that time, was one of the leaders of the Bar, and was enjoying a very large practice. Notwithstanding the absorbing cares of the most absorbing profession, he entered with his whole soul into the work of the schools. He devoted much of his valuable time in promoting, maintaining and finally in placing on a permanent basis our present admirable system. He achieved wonderful success. His influence has extended beyond the limits of this city. All over South Carolina are springing up graded schools based upon the same system. Everywhere is felt the reviving breath of new life in our public schools.

Our Board, Mr. Mayor, have signified by this marble bust their appreciation of Mr. Memminger's work as their leader and associate. His real monument, more enduring even than this beautiful and perfect marble, is the admirable schools, the pride and ornament of this city, erected, aided, improved and established by his energy, and the thousands and tens of thousands of children educated and to be educated within its walls.

This is not the time nor is this the occasion for any eulogy upon Mr. Memminger. Your thoughtful kindness has given us a place for our testimonial. It is most proper that he should occupy a niche in this hall, filled with memorials of our distinguished men. A great lawyer, he was the contemporary and no unworthy rival of Petigru.

He realized the hope of Hayne, to which that great man sacrificed his life. He pierced the mountain ranges of Western North Carolina, and opened a passage for the iron horse to the ocean.

He gave of the wealth of his intellect, and many valuable hours to the public weal, and ranks with Enston among the public benefactors.

In behalf of the City Board of School Commissioners, I now leave this bust in your custody. No more appropriate place can there be for

it than in the people's palace; no better guardian of it than this honorable body, which *ædes, mores, juraque nostra curat.*

The next thing on the programme was "Music, Sweet Music," which was sung by the young ladies.

Mayor Bryan Accepts the Bust.

The last address was by Mayor Bryan, who said:

Mr. Chairman and Gentlemen of the Board of School Commissioners, and Ladies and Gentlemen,—I count it a great privilege as the official representative of the people of Charleston to be permitted to say a brief word in the proceedings of this most interesting occasion. We are here to take part in a ceremony and render a tribute most fitting in a community and country like ours where the will of the people is law, and where government to be a blessing must be enlightened and governed by law. It is, indeed, a truism to say that education, diffused and universal, is the foundation of free institutions; but it is to recognize and emphasize that vital truth, and to do honor to the friend of popular education that we have assembled here to-day. The inborn instincts of mankind pay unstinted homage to the great rulers of the world—the soldier, the statesman, the orator, and as well to the poet, the painter, the sculptor, the musician.

Monuments, statues, busts, marbles and bronzes everywhere abound, and tell of the admiration that waits upon excellence in these renowned fields of achievement. These favorites of nature can take care of themselves. They need not the thoughtful care of their kind. It is our especial duty to bestow that thoughtful care upon a worker in a very different field remote from the crowd—the truest friend and benefactor of the people, and chiefest conservator of their liberties and their free institutions. It is in recognition of such a benefactor and to make enduring memorial of such services that we have unveiled the bust which reveals to us and will reveal to the most distant posterity the features of C. Gustavus Memminger, the author of the present common school system of Charleston. You have had from the distinguished gentleman who has preceded me the story of his work, and it only remains for me to say that the city council of Charleston accepts the care of this memorial.

The exercises of the occasion were concluded by the singing of "Auld Lang Syne," a very appropriate selection, to the spirit of which the young ladies did ample justice. The accompaniments to all the songs were played by Prof. T. D. Ruddock, teacher of music in the city public schools.

The benediction by the Rev. R. N. Wells, pastor of Trinity M. E. Church, closed a most eventful and interesting occasion.

While his fellow-citizens were paying this deserved tribute to his worth; while they were in this enduring form preserving the features of the man who had so well honored himself in their service, he was at his home, wasted with the sufferings of a malady that in a few days was to end his life. His accomplished son, Dr. Allard Memminger, with the counsel and the experience of Dr. Middleton Michel aiding him, had brought to the relief of the suffering patriot and statesman all that the solicitude of love, or the skill of science could suggest or devise; but neither love nor skill could mend the cord which, long fretted with the cares of life, at last was broken, and on the night of the 7th of March the life of the good and the great man went out—

> As fades the morning star,
> Which goes not down behind a darkened west,
> Nor sets obscured amid the tempest of the skies;
> But melts away in the light of Heaven.

The death of Mr. Memminger, although not unexpected, brought an unfeigned sorrow to the community of Charleston, and to many throughout the country. To him it was a release from suffering, an end of all care; to his stricken family it was stilling forever the great heart of love that had so long cherished them; to many it was breaking the cord that had bound them to the good man in sincerest friendship, and to his country, it was the removal of one whose greatest honors had been found in his devotion to her welfare. Death is by no means the greatest misfortune that can befall a good man. To one who has faithfully served his generation, who has no remorse of soul to cloud the receding horizon of life, who has lived to a noble end; who in deeds of generous kindness, and with words of cheer, has lit the weary way of many a sorrowing one with the light of his love; to whom great age and honors and wealth had come, the blessings of a well-spent life—death comes "with friendly care" and brings, even in its gloom, the hope of

another and an immortal life of bliss. It was thus with Mr. Memminger.

In compliance with a request made by him, when conscious that he was dying, his body was taken to his lovely country home at Flat Rock, North Carolina, and buried amid the peaceful shades of its cemetery.

I extract from the *Charleston Courier* the following account of the services held at St. Paul's Episcopal church, of which he was a member:

The funeral services of the late Hon. C. G. Memminger took place at St. Paul's church at four o'clock yesterday afternoon. The attendance at the church was very large. Besides many citizens, there were in attendance the members of the Charleston Bar, commissioners of various city boards, teachers of the public schools, members of the city council and a number of our most prominent citizens, among whom were Mayor Bryan, Ex-Governor Magrath, Mr. A. C. Kaufman, president of the Vanderbilt Association, and others. The funeral cortege, consisting of fifty carriages, reached the church promptly at four o'clock. The casket was borne into the church by the following pall-bearers:

Seniors.—Mr. Montague Grimke, Hon. W. A. Courtenay, Hon. Edward McCrady, Dr. Middleton Michel, Mr. Julian Mitchell, Mr. H. P. Archer, Mr. J. Grange Simons, Hon. C. H. Simonton, Mr. C. F. Hanckle, Mr. B. F. Whaley. *Juniors.*—General Ed. McCrady, Mr. L. G. Trenholm, Mr. B. F. Alston, Mr. C. S. Burnett, Mr. A. Mazyck, Hon. James Simons, Mr. C. A. Chisolm, Mr. W. S. Hastie.

The floral offerings were many and elegant, made of the choicest flowers from the private gardens of the city, and yet others of French immortelles. Of the latter, one in the form of a large anchor, in white flowers, bore the initials "C. G. M." on the cross-piece, and on the curve of the anchor below, the inscription, "*Public Schools*," in purple flowers. This offering was from the City Board of School Commissioners.

The services were read by Rev. W. H. Campbell, rector of St. Paul's, and the Rev. C. C. Pinckney, D. D., rector of Grace church. The music was very solemn and impressive, being feelingly rendered by the large choir. There was no sermon or eulogy. At the close of the services, the casket, preceded by the officiating ministers, was taken out of the church, the choir chanting the Lord's Prayer. The remains were then taken to the Line-street station of the South Carolina railroad, where the casket was enclosed in a box of solid oak, bound with nickel, and was placed on the outgoing train and taken to Flat Rock, the summer residence of the deceased, under an escort of honor. The family accompanied the remains in a special car.

In no city of America are the deeds of her worthy citizens more highly appreciated, their virtues more applauded, and their renown better preserved than in Charleston. No Roman ever pointed the youth of his country to the achievements of her great men with more pride, or with a higher sense of their virtues; none honor themselves better in the respect they pay to their illustrious dead, than do the good people of this city, the "Nice of America." Many tributes have been paid to the worth of Mr. Memminger, but none have been more sincerely expressed or more worthy of the dead statesman, lawyer and patriot, than those which came from the Bar of Charleston when his death was formally announced to the court in session.

The following report of the proceedings had on this occasion is taken from the Charleston papers of that date:

At the opening of the Court of General Sessions yesterday morning, Judge Pressley, presiding, Solicitor Jervey arose, and said: "May it please your Honor, it is with sorrow and sadness that I announce the death of the Hon. Christopher Gustavus Memminger, the oldest member of the Bar, who died at his residence, in this city, evening before last, at the advanced age of eighty-five years. I move that a committee be appointed who shall prepare and submit resolutions appropriate to this occasion."

This motion was seconded by Judge A. G. Magrath, and being unanimously adopted, Judge Pressley appointed the following committee: Messrs. W. St. Julien Jervey, A. G. Magrath, James Simons, C. R. Miles, B. H. Rutledge, Ed. McCrady, Jr., and W. H. Brawley.

Mr. J. K. Blackman, the court stenographer, was appointed to act as secretary of the meeting.

The committee then retired to prepare its report. In the court-room at the time were the following members of the Bar: Messrs. H. E. Young, Theodore Barker, G. H. Sass, J. P. Lessens, J. M. Bacot, Langdon Cheves, A. D. Cohen, Julian Mitchell, H. A. M. Smith, G. Lamb Buist, Henry Buist, A. G. Magrath, Jr., John F. Ficken, Isaac Hayne, W. M. Fitch, G. W. Dingle, J. E. Burke, A. T. Smythe, A. M. Lee, W. H. Parker, Jr., E. W. Hughes, Arthur Mazyck, L. DeB. McCrady, Clement S. Bissell, J. Ancrum Simons, B. R. Burnet, Mathie Gourdin.

The committee, after a short absence, returned into court, and Mr. Jervey announced that they were ready to report.

In submitting the resolutions Mr. Jervey spoke as follows: In the general routine and progression of our duties as members of our honored profession, we are naturally so occupied and engrossed in the mimic warfare in which we are engaged, that we are apt to lose sight of, and temporarily forget those of our brethren, who having served their time and fought their battles, have turned aside from the path of contention, and sought peace and rest in the evening of their day. Naturally then there is a shock to each of us, when suddenly we are arrested in our career, and when we are aroused from our absorption of interest and occupation by the announcement that one of our eldest brethren, one of the leaders and exemplars of our craft, has paid the last tribute to nature and departed from us forever. In the presence of these, his friends, who are here for the purpose of doing honor to his memory, I need say nothing in his praise. They are here moved and actuated by their admiration of the man, and by their affection for their friend. They came here, many of them, equipped with the experience of a longer acquaintance, and with far greater ability than I can claim, to express their admiration of his qualities and their grief at his loss in fitting terms of eloquent speech. But while the official duty which devolves upon me, in place of the Attorney-General, is discharged in simply making the announcement of his death, I would not be true to the sentiments of personal regard, which I have always held for Mr. Memminger, unless I paid personal tribute to the high qualities and characteristics, which we are here to honor. I shall not speak of him as the statesman—that page of his life is written in the proceedings of the General Assembly of the State he so much loved, for twenty-five years; in the brief and checkered history of the Confederate States. Nor shall I speak of him as the friend of education; beautiful and enduring monuments of his labor and success in this department of his life, exists now in the schools which have been erected throughout this city, and the system of their government, and in the life-like bust, which has within the last few days, been unveiled in the council-chamber amidst the endowments of a grateful community, and the sweet smiles of those who illustrate the success of his work. I shall not speak of him as the promoter of commerce and manufactures. Monuments as enduring as brass will ever remain in the iron road-way, binding us to the great West, and in the humming wheels of our factories.

Nor yet shall I speak of him as the financier. There, again, history has made him immortal. As the Christian gentleman he was pre-eminent, and his name appears in the annals of his Church as being always in the front rank of those who gave their time and their talent for the advancement of an enlightened and progressive Christianity. His charities will make him long remembered and lamented by the poor and needy, and the widow and the orphan will rise up and call him blessed.

But I shall speak of him in that relation in which he was nearest to us; that relation in which, as members of the Bar, we were most brought within his influence and admired him—as the lawyer. He filled the various requirements of this complex and difficult character with great faithfulness. He was possessed of great astuteness in analyzing a complicated case; almost by intuition he would put his finger upon the crucial point of controversy, and oftentimes before the anxious client would conclude his tale the real difficulty was discerned and the remedy proposed. He was never idle. I have heard him say that more time was wasted in deciding what to do very often than was necessary for the doing of it. He was a student. When not engaged on some living question of his practice, he was always, while in the office, reading the latest decision of the courts or the latest books of authority. Perhaps his greatest attribute as a lawyer was his clearness, terseness and force of expression. He would say more in a few words than any man I have ever heard. He seldom indulged in figures and warmth of speech, but would follow his subject closely, and by syllogistic argument eliminate matter extraneous to the question at issue. He was brief and to the point; clear and emphatic. When, after working in his office I was admitted to practice, he gave me the following advice: Never speak unless you have something to say, and when you have said it sit down. This explains the brief terseness and clearness of his own utterances. With all these qualities of the great lawyer, Mr. Memminger was the kind and patient preceptor; the forbearing and indulgent chief. During the two years in which I read law under his direction, and the eight years during which I had the honor to practice with him, I remember no occasion in which he set down aught of failure or want of success in any matter or case entrusted to me, to anything which would reflect on my care, ability or attention to the duties assigned. He was ever ready with counsel and advice in matters in which I was interested, and even after the dissolution of our business relations, I never in vain sought his counsel. During the period of his greatest ascendancy as a lawyer, when he made his greatest reputation, I did not know him; that being before my time, and I will leave it to those who are here, and who then knew him, to speak. We of my generation have but seen the reflection of his mighty past.

The Resolutions.

Resolved, That in the death of the Hon. C. G. Memminger, while we recognize with grateful hearts that he has been blessed with many days of usefulness—more than the span of three score years and ten—we, his brethren of the Bar, feel deeply afflicted and grieved at his removal.

Resolved, That while in his death the country has lost a statesman, the State a patriot, the community a benefactor, this Bar has lost one of the most profound jurists, one of the most powerful advocates, one of the

most exemplary practitioners, whose name has ever been inscribed upon our rolls and each one of us a friend.

Resolved, That we deeply sympathize with his family in their affliction, and that a copy of these resolutions be sent to them.

Resolved, That his Honor be requested to direct these resolutions to be entered upon the minutes of the court and be published in the daily papers of this city.

Judge Magrath's Remarks.

Judge A. G. Magrath seconded the resolutions and very beautifully alluded to the high qualities of the deceased at the Bar and in all the walks of life. He spoke of the high standard which Mr. Memminger held, a lawyer should always maintain, and said that in his relations with him, whether associate or adversary, he had always found in him the same high-toned example of what a practitioner at the bar should be. It was not strange that with such lights as were before him he should, in regard to the tone of his profession, have pitched it in its highest key. There were then Thos. S. Grimke, Hugh S. Legare, Benj. F. Dunkin, Jas. L. Petigru, Harper, David Johnson, Judge King, and many others, who illustrated the highest standard of professional honor. Inferior to them only so far as years were concerned, Mr. Memminger, even with those gentlemen, was marked not only as an able disputant, but a formidable adversary when they were brought in collision with him. They, continued the speaker, are all gone, their light has faded away, and now, with but one exception—one whose name (Mr. Edward McCrady, Sr.) will recur to you at once—one whose name it would be too painful for me to mention in that connection—with but that one exception, the lawyers of that time and generation have passed away forever. When you lay your tribute on the tomb of Mr. Memminger, you have closed that book and chapter of the legal professional history of the State. For honor, learning, power in debate, in so far as he could at the Bar advance the cause and truth of justice, he was the equal of any of the best that preceded him. He may well be exhibited to us as a worthy example.

Remarks of Mr. Simons.

The Hon. James Simons next seconded the resolutions. He said: May it please your Honor, in seconding the resolutions before you, I feel that this is, indeed, a solemn occasion. We are here to pause in the restless activity of life; to contemplate the death of one of the most distinguished lawyers who has ever occupied a place in the ranks of our profession—of one of the most eminent of our fellow-citizens. Having known Mr. Memminger from my earliest recollections, and, coming to the Bar when he was in the zenith of his remarkable career, I had the opportunity of appreciating to the fullest extent those characteristics which

earned him the reputation which, living, he enjoyed, and which, now he is dead, will preserve his name in the history of the State.

Many able men who have occupied prominent places in our calling; who in their day and generation, in this court-house, have commanded the admiration of the Bench, their brethren, and the public, by their power, their learning, their ability, or their eloquence, have gone to their long rest, and are covered by the mantle of oblivion. The names of some are preserved, perhaps, in the traditions of the Bar. Few, very few, continue to be known beyond this. Such is the fate even of the most distinguished in the profession.

Mr. Memminger, however, has impressed himself upon the times in which he lived as few have done. With the great intellectual gifts with which he was endowed, he united a singular force of character and wonderful judgment. He was essentially a practical man. During his service as a representative of the people, he carried with him into the halls of the Legislature, as a law-maker, the ability, learning and experience for which he was so remarkable as an expounder of the law. That marvelous lucidity of statement; that clear, calm, convincing faculty of reasoning peculiar to him, made him as powerful there as in the forum. His strength was the result of his intellectual force and his industry in mastering the work he undertook.

During his long service there was scarcely a measure of any importance which did not bear his impress. No one acquainted with the legislative history of the State can fail to be struck with the great influence he exercised, not only upon legislation, but upon legislative procedure. He was chairman of the special committee, consisting of himself and Messrs. William F. De Sassussure and William F. Colcock, appointed at the session of 1838, to report rules for the House of Representatives of the State, and which committee reported the rules, prepared, as he himself has informed me, by the then Speaker, David L. Wardlaw, and which, with very few changes, still govern that body. His important public services are too numerous to mention here. They are known to all here assembled.

In his own home, the city of Charleston, he continued his services to his fellow-citizens, almost to the last of his long and useful life, in the administration of that system of public education which his enlightened wisdom founded, and which has conferred, and will continue to confer its blessings upon generations of our people. His grateful fellow-citizens have but a few days since publicly testified their appreciation of this great work, and the evidence of their gratitude stands a lasting memorial.

His brethren of the profession of which he was a conspicuous member—a shining light—offer their tribute to this great jurist, this valued citizen, this good man, who now goes to his rest full of years and full of honors.

Remarks of Mr. Miles.

Mr. Chas. R. Miles next seconded the resolution. He eloquently alluded to the distinction attained by Mr. Memminger in the various walks of life, but confined his remarks mainly upon the shining qualities of the deceased as a lawyer. Admitted to the Bar nearly sixty years ago, and connected with the profession actively up to within a very few years, his career is almost without a parallel in the history of the Bar of the State.

Mr. Miles referred to the beautiful friendship, which for sixty years had existed between Mr. Memminger and the only surviving member of the Bar of his day (Mr. Ed. McCrady), a friendship as true and warm at the end as at the beginning. Mr. Miles then went on to describe the high qualities of Mr. Memminger as an attorney at law in all the courts of the State, and especially in the court of equity, where he shone resplendent, and gave several illustrations of his untiring zeal in preserving, as far as in him lay, the high standard of the Bar.

Mr. McCrady's Remarks.

May it please your Honor: I ask, too, that I may be allowed to join in the request that the resolutions proposed be spread on the minutes of the court.

Mr. Memminger's has, indeed, been with me a household name from my earliest youth. The close relation between Mr. Memminger and my senior brought me in contact with him even before my admission to the Bar, and in later years circumstances have thrown me personally more with him. In this intercourse with Mr. Memminger I have often been struck with the fact that though he had attained such great age he was living in the present, and not in the past.

His life had been one full of interest. He had been the compeer of many great men of the Bar, whose names—with his now added to them —are our heritage and lustre. He had been a part, indeed a great part, of the history of our State for half a century. In the great convulsion of the country he had been a conspicuous figure. But it was not of these things he talked; it was not of what he had done, or what he had seen and heard during his earlier and middle life that he spoke, or seemed to think. He dwelt not on these. With him it seemed to be the rule to "let the dead past bury its dead." It was in the present that he lived. And so it was that to the last the city and State had the benefit, not only of his great sagacity, but of his varied and enlarged experience.

So it was that after he had obtained more than a middle age, he had yet thirty years to give to the education of his people; that after three score years he was pushing new railroad enterprises and inaugurating new commercial and manufacturing enterprises; that after seventy-five years of life he returned to the legislative halls of the State, in which he

had been so long, and so long ago; a leader to take part with those thirty, forty and fifty years his juniors in rearranging and settling her finances, in reviving her institutions of learning, and in restoring the equitable procedures in the court.

So, too, he had been for fifty odd years in the councils of his Church in this diocese; had been the constitutional adviser of its chief pastor through three bishoprics, and so it was that his last appearance in public was in its convention. Mr. Memminger's contemporaries at the Bar were great lawyers, and he was a great lawyer among them We, who came to the Bar thirty years ago, may say with Lord Mansfield: If we can arrogate nothing to ourselves, we can boast the school we were brought up in, and can challenge past ages to show us their superiors; and among them there was not his own.

Remarks by Mr. Young.

It is to me a personal gratification to join in the tribute to Mr. Memminger. After all that has been said, and so well said, it is certainly unnecessary for me to say anything further in his praise. Considering how he performed his part to his State and country, his friends and his family, I have known no one to whom the words used by Dean Stanley to Arnold apply more truly. When you consider his work for his country, he lived as if he had neither friends nor family. When we consider his fidelity to his friends and zeal in their behalf, it would seem as if he had neither country nor family to occupy his mind. And when we consider him in his family relations, he lived as if neither friends nor State existed; as is shown by the fact that he leaves children well equipped and moving rapidly forward to high positions in the community.

It is a gratification to me to recall my relations with him for the last twenty odd years; when I had been associated with him very closely in a certain class of cases, he as director and senior counsel, and I as solicitor.

When these relations began twenty years ago I ranked as a junior at the Bar, and he as among the oldest members, yet with no one were conferences freer and more frank, nor any one quicker to adopt the ideas suggested. He seemed absolutely devoid of pride of opinion, and when once adopted he gave as hearty support to the suggestions of others as to his own, and when success was achieved no one could possibly have been more generous in attributing that success to his juniors.

When one so ripe in years and in works, whose one work alone will hand down his name to posterity, and whose assurances of the future was so firm, succumbs to the common fate of man, there can be no grief; still we must feel sorry that such lives must end, and when the end comes there is said to the survivors :

> "Nothing is here for tears, nothing to wail,
> Or knock the breast; no weakness, no contempt
> Dispraise or blame; nothing but well and fair."

JUDGE PRESSLEY'S REMARKS.

There being no further remarks Judge B. C. Pressley spoke as follows: Brothers of the Bar, it very greatly gratifies me to hear so many noble tributes to the memory of our distinguished brother of the Bar, and yet were it not for the irresistible impulse to give utterrance to our own feelings and to incite others to remember so noble an example, all that we could do to pay tribute to the memory of Colonel Memminger, would be a superfluous work. His is a memory that takes care of itself. It cannot die. For though the law was his mistress, it was not to him a jealous mistress. His versatility of talent fitted him for anything, and he gave his heart to every noble work, and especially to that noblest of works: the elevation of the masses by an equal, free, common education. That seemed to be the great desire of his life, and to it he devoted very much of the time of his life; and now around us and amongst us are the scholars and teachers and the mothers of future generations who will teach their children to reverence and love him.

All along through the future ages, in the long vista of years, you will see now in advance down that avenue the mothers teaching their children to love, honor and remember the name of Colonel Memminger, and recounting to them what he has done for them. So I feel, gentlemen, that nothing we could say would add one leaf to the amaranth crown that he wears. His name must live. Of all our fellow-citizens that we have been accustomed gladly to greet with a hearty hand-shake, there is not one less likely to be forgotten than Colonel Memminger. People who know anything of the history of our revolution will never ask why the statue of William Pitt stands in our city hall square; people who know anything of the struggle for truth, justice and the constitution will never ask why the statue of the great Calhoun stands in Marion square, nor will any one who knows anything of what has been done, what is doing, and what will be done for the elevation of the masses of our community by free education, ever ask why the marble bust of Memminger stands in the city hall. It stands there of right; of acknowledged right, and while it will be a memento ever to remind us—like other signs that hang around our walls telling us of those departed—we need no such remembrance so long as the monuments which he himself reared in this community last. It gratifies me to join in your tribute, and we are now ready for the question. Those in favor of the resolutions will say "aye." The resolutions were unanimously adopted.

Judge Pressley: The clerk will enter the resolutions upon the minutes of the court.

A volume containing the tributes paid to the worth of Mr. Memminger by the press of the Southern States might be

readily prepared. The author does not deem it necessary to reproduce these here. An editorial found in a leading Charleston journal conveys so just a conception of his merit that I extract from it the following sentences:

Men who serve gallantly on the field of battle generally live to get their reward, whether or not the success of their arms is secured. Men in civil office, who organize victory or bear the brunt of the support of armies and of a government, are rarely praised by the masses, who more surely applaud military glory. Washington's name lives the world over, and yet Chauncey M. Depew declared on the 22d of February that Alexander Hamilton's was the commanding genius of the Revolution, which revived the hopeless credit of the colonies and carried through the war. "With few precedents to guide him, he created a fiscal system for the United States, which was so elastic and comprehensive that it still controls the vast operations of the Treasury and the customs." Grant and Lincoln's are the names which have grown illustrious with the success of the Union armies, but Salmon P. Chase's was the mind which framed the national banking system, revised the tax schedules, and negotiated the loans which supplied the sinews of war.

So the heroes of the Confederacy were numerous. Any school boy in Europe or America can spell their names, and while General Wolseley has declared that the Southern Confederacy has given to history the greatest soldier of his age, how few outside of South Carolina to-day are familiar with the tireless, patient, masterly policy of C. G. Memminger, who on last Friday was laid quietly to rest?

Modern warfare means money. Its success is a pure matter of business after all. The picture of the barbarian king, who threw his sword into the balance to support the ascending scale in which the coins had been placed, would be reversed to-day. The sinews of war would outweigh the sword, and the men who support governments, and who put in motion great campaigns, are the Hamiltons, the Chases and the Memmingers.

. . . . . .

In bringing to a close the labors which have engaged the writer for several months in the preparation of this biography, he would commend its study to the youth of his country. The student will at least find the causes which have produced great results set forth, and in following the history of a great man, from his humble childhood to his honorable old age, he will learn that nothing is denied to well-

directed labor and that nothing substantial and enduring can be obtained without it.

I desire also to express my grateful acknowledgments to the many who have lightened the burden of my work by their kindness, and who have extended to me facilities at their command without which I could not have gathered the facts I have bound together in this memoir. Through your good offices, my friends, I have been enabled to gather the fair flowers grown by his own hands, and in the beautiful garden of a good man's life ; " and nothing but the thread that binds them is my own."

FINIS.

APPENDIX.

REPORTS

OF THE

SECRETARY OF THE TREASURY.

FINANCES OF THE CONFEDERATE STATES.

TREASURY DEPARTMENT, C. S. A.,
MONTGOMERY, ALA., May 10, 1861.

Hon. Howell Cobb, President of Congress:

SIR,—I respectfully submit the following report in relation to the finances of the Confederate States:

Since the inauguration of the Provisional Government there has been received into the Treasury:

From the State of Louisiana for customs turned over . . .	$ 147,519 66
Bullion fund	389,267 46
Customs at New Orleans to May 1	332,772 49
" " Charleston to April 20	84,344 38
" " Mobile to April 27	67,818 52
" " Savannah to April 24	100,000 00
	1,121,722 51
The amount expended by the government to May 1 . . .	993,308 32
Balance.	128,414 19

To which must be added—

Proceeds of loan, estimated at	8,500,000 00
Balance in Treasury	8,628,414 19
The appropriations already made by Congress amount to . .	17,683,370 00
Of which have been paid	993,309 00
Yet to be paid	16,690,061 00
Unexpended appropriations	16,690,061 00

New estimates:	
War Department	$35,930,403 00
Navy Department	278,500 00
Treasury Department—interest on loan	500,000 00
Civil and miscellaneous	230,500 00
Postoffice Department	500,000 00
	54,129,464 00
This payable as follows: 1st July, 1861—	
War Department	9,931,084 00
Navy Department	800,000 00
Civil Department	728,626 00
Postoffice Department	170,000 00
	11,629,710 00
October, 1861—	
War Department	15,641,207 00
Navy Department	800,000 00
Civil Department	650,000 00
Interest on loan	400,000 00
Postoffice Department	170,000 00
	17,661,207 00
18th February, 1862—	
War Department	23,186,547 00
Navy Department	700,000 00
Civil Department	682,000 00
Postoffice Department	170,000 00
Interest on loan	100,000 00
	24,838,547 00
The assets to pay the amount payable 1st July are as follows:	
1. Balance in Treasury	8,628,414 00
2. Balance of loan	6,500,000 00
3. Treasury notes	1,000,000 00
	16,128,414 00
To pay	11,639,710 00
	4,498,704 00
On 1st October there is payable	17,661,207 00
Assets 1st July	4,498,704 00
Deficit	13,162,503 00
Payable 18th February, 1862	24,838,547 00
Total deficit	$38,001,050 00

From these statements it appears that up to the first day of October ensuing, Congress must provide additional means to place in the Treasury $13,162,503; and for the remainder of the year of the Provisional government, a further sum of $24,838,547 is required, making in the whole, $38,001,050. This sum will, in all probability, be increased by the increased dimensions which the war is assuming; so that the provision to be made should be full.

No material assistance can be had from duties for the amount required on the 1st of October. Even should the threatened blockade of our ports fail, the imports and exports are limited at the Southern ports to the period at which the crop begins to move foward. Other sources of revenue must therefore be sought; and these are chiefly to be found in loans and direct taxes.

The fifteen million loan will probably absorb all the money which, before the coming in of the next crop, could be borrowed on a long investment in bonds or stocks. Treasury notes offer, therefore, the most probable means of raising money at the required period. To what extent they can be made available can only be ascertained by experiment, but it may be assumed that this extent will greatly depend upon the use which can be made of them in paying debts. If, therefore, a basis be laid by the government in dues to it, which can be paid in treasury notes, they can be issued freely, and obtain general circulation. But it is apparent that at first they only anticipate other revenue, and by increasing confidence in them, they can ultimately be kept in the hands of the people as a more permanent loan. It results from this reasoning that the government, as a first step, must create a direct and certain revenue; and that before the first of October. This can only be done by a direct tax. We are, therefore, shut in to that source of revenue by a financial necessity, and the next inquiry is, how much must be raised by this means? Assuming as a basis for this inquiry that Congress will pass the tariff law reported by the Committee on Finance, we are first to estimate what amount of revenue this tariff will produce. As a general rule the value of the exports of a country adjusts the value of the imports.

The exports of cotton may be valued at	$ 200,000,000
The exports of tobacco may be valued at	30,000,000
The exports of other articles valued at, say	5,000,000
	235,000,000
Deduct from this for contingencies in crops and values, say 10 per cent	23,500,000
	$211,500,000

The new tariff may be averaged at, say 12½ per cent . . .	$26,437,500
Expenses, say 5 per cent	1,321,875
Amount from tariff	25,115,625
Of this amount probably one-half only will be collected up to the 18th of February	12,557,312
Which being deducted from the total required at that time	38,001,050
Leaves this amount to be otherwise provided	$25,443,738

It has been already shown that $13,162,503 of this amount must be raised before the 1st of October; and that the portion which can be raised by the issue of treasury notes before that time can only be conjectured. I would respectfully suggest that a sum, not exceeding fifteen millions, be raised by direct taxes as a war tax. This tax, after deducting the expense of collecting it, would probably pay the amount required on the 1st of October ($13,162,503), and leave to be provided between the 1st of October and 18th of February, the sum of $24,838,547.

Against this as already shown may be set down the amount of duties to that date, $12,557,312.

It is obvious that for so large a sum it would be desirable that the notes issued should not return immediately upon the Treasury; as in that case they would absorb revenue wanted at a later period of the year. I would, therefore, suggest the expediency of issuing notes at three years, of two kinds; one of a small denomination, without interest, say tens and fives, and denominations of twenties and upwards, at eight per cent. per annum. It is believed that those bearing this interest will, as soon as the crop begins to come in, be relieved from circulation as a sort of savings fund, by each holder, while the smaller will be held as a resource, which can, at any moment, be commanded. If the Secretary of the Treasury be authorized to try the market with these issues experience will determine to what extent they may be used.

It should also be considered that there is a possibility that money may be borrowed at home or abroad upon resources which the government or our citizens may offer. It would be well to authorize the Treasury Department to take proper measures to that end. Experience may show that a larger amount of treasury notes may be issued than that I have estimated for; and if, in either of these contingencies, less money should be required from direct taxes than fifteen millions, the President may be authorized by proclamation to diminish the amount called for.

In relation to the mode of collecting a direct tax I would respectfully suggest that a more simple method could be adopted by calling in aid the State machinery for collecting taxes. The citizens of each State would, in all probability, be satisfied with the assessments and modes

of collection established by their respective States. If Congress should direct the quota of each State to be assessed upon its citizens upon the basis of the last State tax paid by them, to be collected by the State tax collectors, at the rates of commission allowed by the State, the cumbrous system, heretofore pursued, might be abandoned, and a still further modification might be made in offering a discount to each State which may pay down immediately its whole quota.

In conclusion, I would recapitulate the plan herein recommended:

1. To enact a tariff on imports at a rate averaging at least $12\frac{1}{2}$ per cent.

2. To impose a war tax not exceeding fifteen millions.

3. To authorize the issue of treasury notes to such extent as the Secretary of the Treasury may find available not exceeding in the whole twenty millions; said notes to be of the denomination of five dollars, and over, redeemable in three years, with interest from date of issue, not to exceed eight per cent. for all denominations of twenty dollars and over.

4. The Secretary of the Treasury to be authorized to take up a loan at home or abroad for an amount not exceeding fifty millions, at an interest not exceeding eight per cent., and to this end, to be authorized to accept from citizens who may tender any resources which can be made available as a means of credit, upon such terms as he shall deem for the public interest.

5. In case by any of these means funds should be received in sufficient amount to dispense with part of the war tax, that the President be authorized by proclamation to diminish the quotas called for.

Respectfully submitted,

(Signed) C. G. MEMMINGER,
Secretary of Treasury.

CONDITION OF TREASURY DEPARTMENT.

CONFEDERATE STATES OF AMERICA,
TREASURY DEPARTMENT, *Richmond*, November 20th, 1861.

Hon. Howell Cobb, President of Congress:

SIR,—I have the honor to submit the following report of the condition of this Department.

The receipts at the Treasury from all the various sources of income up to the 16th of November are as follows:

From customs		$ 949,612 84
Miscellaneous sources		792,717 90
Export duty on cotton		1,311 65
Loan of February 28th, 1861		14,989,726 65
Loan of May and August		3,053,300 00
Treasury notes under act of March 9		2,021,100 00
" " " " May 16		17,347,955 00
" " " " August 19		12,830,400 00
Interest and premium		33,963 67
		52,020,147 71
Temporary loan from banks		9,850,576 68
		$61,870,724 39

The expenditures and outstanding warrants are as follows:

For civil, &c.	$ 1,745,670 18	
For war	66,018,740 03	
For navy	2,902,305 55	
		$70,666,715 76
Balance not yet paid		$8,795,991 37

This balance exists in the form of treasury warrants which are *in transitu*, and will be paid by the issues of treasury notes whenever they are presented.

This large amount of warrants *in transitu* arises from the fact that the payments are all made by treasury notes issued at one point, and their transmission to distant places consumes much time. This difficulty will be diminished whenever the number printed shall be sufficient to exceed the daily requisitions. They can then be forwarded on deposit to the various assistant treasurers and depositaries.

The amount set forth in the receipts as borrowed from banks embraces two items. The first consists of the balance due the banks, on the

loan of their notes, made in advance of the issue of treasury notes, and reported at the last session of Congress. The second item was taken up under the following circumstances: Long before the passage of the act of last session, directing the issue of an additional number of treasury notes, this Department attempted at each of the principal cities in the Confederate States to make arrangements for preparing them. A contract was made in New Orleans in May last and inducements were offered to others to import facilities. An active agent was also sent by the Department to bring on workmen and machinery. But, with every exertion, it was found impossible to meet the requisitions upon the Treasury. These requisitions so far exceeded the supply, that on the 24th October the supply of notes fell behind the requisitions by the sum of $11,892,815.98. The daily requisitions upon the Treasury continued to exceed the supply by nearly fifty per cent., and the difficulty, therefore, became greater every day. The only relief expected was from a further supply of printers and presses, which could not be had for at least four or five weeks. The arrearages covered the pay of troops and their subsistence, and threatened serious injury to the credit of the Treasury and to the public interest. Under these circumstances it was deemed best to accept the tender of ten millions of their notes, which the banks of South Carolina and Georgia had made, at an interest of five per cent., on a previous occasion, when delays in preparing engraved notes were expected. The arrangement made with the banks was a return of the amount as soon as treasury notes could be prepared; so that the interest to be paid by the Treasury will be relieved at the earliest practicable time, and is amply compensated by the relief of pressure to that extent upon the Treasury. This relief may be measured by the fact that, notwithstanding all the efforts since made to increase the supply of treasury notes, there is now a large arrear of requisitions lying over, amounting to about five and a half millions of dollars.

The loan taken from the banks appeared to me to be in substance, though not in form, the same as that authorized by law, and at a less rate of interest. The law authorizes any holder of treasury notes to fund those notes in bonds at eight per cent., payable in two years, and these bonds are re-exchangeable at the will of the holder for treasury notes. The bank notes borrowed were used in payment of public dues as a substitute for treasury notes, and if an exchange had taken place instead of a substitution, the treasury notes could immediately have been funded in bonds or stock at eight per cent. The transaction, which actually took place, effects the same result, excepting that it is at a less rate of interest, and I respectfully ask its sanction by Congress. I have the satisfaction to add that our efforts to procure at home the notes and paper have raised up three home manufactories of bank-note paper and an establishment for engraving bank notes.

The preliminary arrangements for the collection of the war tax have been made according to the directions of the law. Chief collectors have been appointed in all the States, and the States divided into districts. It has been found that the limited compensation allowed to the district collectors has compelled the districts to be made smaller than is desirable. It would have been better to increase the allowance, particularly in cities, and give the collector a larger jurisdiction. It is a subject of doubt whether the salary of the chief collector was intended to include office hire and all contingencies. I have interpreted the law as including within the salary every expense, except books, stationery, advertising, postage, and the like.

On examining the clause relating to the tax on money, it will be found that a doubt is created as to the extent of the exception. Congress intended, unquestionably, to tax cash on hand and on deposit, and I think that intention is expressed by the act. But the failure to insert a semicolon, and the use of the conjunction "and," has given occasion to interested parties to raise a question, and to claim that the conjunction places the cash among the excepted, instead of the taxed property. It would be well to settle the question by a clause in any supplementary act which may be passed.

The great extent of our country, together with the condition of the times, has rendered it impossible to comply with the requisitions of the act fixing a time for making assessments. This time was fixed at as early a day as the first Monday in November, chiefly with the view to enable the State Legislatures to determine whether they would assume the payment of the tax. But it has been found impracticable to accomplish this end within the time. I recommend, therefore, that the time for making the assessments be extended to the first day of January next. This will involve an extension of time for the subsequent proceedings, but it will not affect the date at which the collection of the tax is directed to be made.

The treasury notes issued under the act of May 16th, 1861, amount to nearly twenty millions, and the authority given by that act is exhausted. One of the provisions of this act was an experiment, which has been found to work well. It allowed these twenty millions of notes to be funded in ten-year bonds or stocks, which should be re-exchangeable for treasury notes. A large amount of these notes have been thus funded and the bonds and stocks are quite in demand. Almost the entire loan first taken from the banks has been funded by them in this stock, and it seems to me advisable to extend the privilege to all the treasury notes allowed by law. The act of May 16th gives the privilege to the two-year treasury notes issued under that act, and, until the experiment was tried, it was not deemed advisable to include the issue under the act of August 19th. It has since been found that the treasury notes have de-

rived additional currency from the freedom with which they can be converted into an interest-bearing security, which, at any moment, can be reconverted into currency. The advantage to these securities is so great that I think they could be made to bear a less rate of interest. I recommend, therefore, that the holders of any issue of treasury notes be authorized, under such regulations as may be issued by the Secretary of the Treasury, to fund them in bonds or stock, bearing a rate of interest not exceeding seven per cent., which bonds or stock shall be re-exchangeable for treasury notes. It seems to me probable that six per cent. interest will be sufficient for these securities, and I propose to try that rate; but, as it may not prove so, it would be well to give the power to issue at seven per cent. I would prefer attempting the lower rate for another reason. It is desirable to hold out inducements for investment in the permanent funded debt. A difference of two per cent. interest would furnish that inducement; but so long as the convertible bonds bear an interest nearly the same as the permanent, the former will be preferred, and will bring a higher market price. Still, as there is some uncertainty what difference is requisite to effect the result, I respectfully recommend that a discretion be confided to the Secretary of the Treasury on this point.

The whole fifteen million loan of February 28, 1861, has been taken up. Upon the loan of August 19th a large amount has been subscribed from the proceeds of the sale of produce. As the value of produce is uncertain, no absolute estimate can be made of the avails of the proceeds. Reasonable conjecture rates the amount at between forty and fifty millions.

The treasury notes already issued amount in the whole to	$ 32,199,455 00
The bonds exclusive of the loan of February 28th	3,053,300 00
The amount of temporary loan from banks, for which treasury notes must be issued	9,850,576 68
And the balance of treasury warrants outstanding, for which treasury notes must also be issued, is	8,795,991 37
Total	53,899,323 05
Which, being deducted from amount authorized, say	100,000,000 00
Leaves authority to issue only	$ 46,100,676 95

This sum being not more than the amount probably required for the bonds for the produce loan, it is clear that authority must be given for extending the issue of treasury notes. The amount of this increase must be determined by the period which Congress shall see fit to provide for. This period, it seems to me, must extend at least to April next, because

the new Congress could scarcely make new arrangements before that date. The expenditures for the last two months have averaged about twenty millions per month. At that rate, from first November to first April, will require one hundred millions for current expenses. It is not probable that any considerable amount will be realized within that period from the produce loan, and, therefore, the whole sum must be raised by treasury notes.

It has been already shown that the existing laws only authorize a further issue of both bonds and treasury notes to about forty-six millions, and that the produce loan will probably exhaust this amount.

Authority is, therefore, required to issue bonds for further loans, to be subscribed by the citizens, or to be used in the purchase of army supplies, and the amount of these bonds, added to the one hundred millions additional for treasury notes, will furnish the extent of additional authority required of Congress. When these treasury notes shall have been used, the whole issue of treasury notes will amount to about one hundred and fifty-four millions. It is hoped that a considerable portion of these notes will be funded, and in that way reduce the amount of circulation, and to that end it is advisable to make the funded debt as secure and as acceptable to the public as may be practicable.

I propose to issue the bonds and stock authorized by the act of August 19th upon the plan suggested by Mr. Holmes, of South Carolina, and adopted by the city of Charleston. The principle of the plan is the semi-annual payment of a part of the principal, and the appropriation of a fixed amount sufficient to pay the whole interest, together with the portion of principal proposed to be paid off. Every year the amount required for interest becomes less and adds to the amount applicable to the principal.

It will be seen that, by this method, the entire debt can be extinguished in twenty years by raising annually the interest and one-twentieth of the principal. I have assumed that after the expiration of two years from the first January ensuing, payments of principal may be commenced; and as the law limits the bonds to twenty years, I propose to issue them in semi-annual periods, extending over eighteen years, from first January, 1864, and paying semi-annually one-thirty-sixth of the principal.

It seems to me that the varying periods at which the bonds become payable will recommend them to the public, and especially to the subscribers to the produce loan. In time of peace the distant bonds would be preferred, but I think that at this time the short bonds will be in greatest demand. Every subscriber to the produce loan who has debts to pay will prefer the short bonds, as they may be made available for that purpose. So, too, persons funding treasury notes will probably prefer short bonds. Moreover, the different dates will suit guardians, trustees, and other persons who make investments with a fixed purpose, and it is

believed, therefore, that this plan will suit the wants of all better than any other, while the advantage to the government in having its debt gradually and steadily diminished is a full compensation for the additional expense and inconvenience of such an issue.

As soon as the estimates of additional appropriations required by the various departments shall be received, I shall submit the further financial estimates and recommendations which they shall call for.

I have further to report that under the provisions of the act of Congress, an assay office has been established at Dahlonega; and that no application has yet been made for the office at Charlotte.

I have also to report that under the provisions of the act of February 28, 1861, I have extended the ports of delivery at Memphis and Nashville into ports of entry; and for the convenience of disbursing officers in Tennessee, Kentucky, Arkansas, Mississippi and Missouri, I have, under the provisions of the act of Congress of 6th August, 1861, made the collectors of these ports depositories of public moneys.

All which is respectfully submitted.

C. G. MEMMINGER,
Secretary of Treasury.

Statement exhibiting the Receipts and Expenditures of the Government, from its organization to, and including, November 16, 1861.

Receipts to June 30, 1861, inclusive:		
From Customs	$ 797,960 43	
Miscellaneous sources	629,165 51	
Subscriptions to loan of Feb'ry 28, 1861,	7,450,749 65	
Interest on ditto	1,044 57	
Premium on ditto	4,187 62	
Treasury notes issued under act of 9th March, 1861	1,116,400 00	
		$9,999,507 78
Receipts from July 1st to November 16, 1861, inclusive, as per statement furnished by the Treasurer:		
From Customs	151,652 41	
Export duty on cotton	1,311 65	
Miscellaneous sources	163,612 39	
Subscriptions to loan of Feb'ry 28, 1861,	7,538,977 00	
Subscriptions to loan of May 16, 1861	2,702,100 00	
Subscriptions to loan of August 19, 1861	351,200 00	
Temporary loan from banks	9,850,576 68	
Interest on loans	27,563 14	
Premium on loans	1,168 34	
Treasury notes issued under act of May 16, 1861	17,347,955 00	
Treasury notes issued under act of August 19, 1861	12,830,400 00	
Treasury notes issued under act of March 9, 1861	904,700 00	
		51,871,216 61
Total receipts		$61,870,724 39
Expenditures to September 30, 1861, inclusive:		
Civil, miscellaneous, foreign intercourse and public debt, $1,506,548.72; War, $39,507,440.10; Navy, $1,962,928.79		42,967,917 61
Expenditures from October 1st to November 16, 1861, inclusive, as per statement furnished from office of the Secretary of the Treasury:		
Civil, miscellaneous, foreign intercourse and public debt, $239,121.46; War, $26,511,299.93; Navy, $939,376.76		27,689,798 15
Total expenditures		$70,666,715 76

ROBERT TYLER, *Register.*

TREASURY DEPARTMENT, REGISTER'S OFFICE, November 19, 1861.

REVIEW OF THE FINANCIAL MEASURES OF THE PROVISIONAL GOVERNMENT.

TREASURY DEPARTMENT, March 14, 1862.

Hon. Thos. S. Bocock, Speaker of the House of Representatives of the Confederate States:

SIR,—At the first meeting of the Congress of the permanent government, it seems proper to present to its members a review of the financial measures of the Provisional government, and of the position in which they now stand.

At the commencement of the government a revenue system was adopted, which was deemed adequate to its support, had peace continued. The tariff was greatly reduced, and all discriminating duties on ships and cargoes were abolished. The free navigation of the waters of the Confederate States was offered to all the world, and the Mississippi river was recognized as a great highway of the States upon its waters.

The action of the United States government admonished us to prepare for war. The presumed dimensions of that war are exhibited by the financial measures which Congress adopted. They authorized an issue of one million of dollars in treasury notes, of denominations not less than fifty dollars, payable in one year, at an interest of $3.65 per cent. They also authorized a loan of fifteen millions of dollars, for ten years, at an interest of eight per cent., secured by an export duty of one-eighth of a cent per pound on raw cotton, and directed the Secretary of the Treasury to devise a plan for its redemption.

The plan adopted by the Secretary provided that the annual produce of the export duty should be applied first to pay the interest, and then to purchase from the lowest bidders so much of the principal as the surplus would reach, reserving a discretion to the Secretary of the Treasury as to the acceptance of bids where they demanded more than the face of the bonds.

Considerable difficulty arose in disposing of this loan, from the fact that in some of the Confederate States the banks had suspended specie payments, while in others they were paying out coin. The suspended banks, however, by a joint and patriotic effort determined to make their notes, when paid in, for the loan, equivalent to coin, and thereupon the loan was successfully negotiated.

The war had now so much enlarged its proportions as to demand sums of far greater magnitude. On the 16th of May, authority was given to issue twenty millions of dollars in treasury notes of smaller denominations, payable in two years, without interest, and intended to

circulate as currency; and a further sum of thirty millions in eight per cent. bonds. The holders of the treasury notes were allowed to fund them in the bonds of the Confederate States, payable in ten years; and as an experiment, these bonds were allowed to be reconverted into treasury notes at the pleasure of the holder.

At this stage of our progress we were brought to a stand by the difficulty of preparing treasury notes in the Confederate States. We had become so entirely dependent upon the North, that but a single bank-note engraver could be found in the Confederate States; and none of the material necessary for a bank note was manufactured amongst us. We were, therefore, compelled to substitute lithographs for steel engravings, and to create the manufacture of bank-note paper. The delays incident to such a state of things produced many difficulties, and rendered it impossible to furnish an amount in notes adequate to meet the daily requisitions of the departments. The banks were applied to for a loan of their notes to meet the exigency. They promptly responded, and the balance due them is set forth in one of the schedules accompanying this report.

The increasing dimensions of the war induced the Congress at its next session, to expand the issue of treasury notes to one hundred millions, and to authorize a loan on bonds or stock for one hundred millions more. The notes were made payable six months after the ratification of a treaty of peace with the United States; and in order to prevent their redundancy, it was provided that any holder might fund them in eight per cent. bonds; or, to the extent of twenty millions, might exchange them for bonds payable in ten years, at an interest not exceeding seven per cent., re-exchangeable for treasury notes.

Throughout the Confederacy the banks and people promptly responded to these measures of the government, and everywhere the treasury notes were accepted as currency. These notes thus became part of the regular circulating medium, and furnished the government with a large and available loan, free of interest. In return, the government owed a duty to take all proper means to prevent an over-issue, and the depreciation consequent thereupon. It was therefore provided that the notes might be funded at the pleasure of the holder in Confederate bonds at an interest of eight per cent.; and to secure the punctual payment of the principal and interest of these bonds, a war tax of one-half of one per cent. was imposed upon the chief articles of property in the Confederate States.

The fifteen million loan was taken up chiefly by the banks and by the commercial community. It was deemed proper to bring this second loan more particularly to the attention of the planters. Measures were taken to canvass the cotton region for subscriptions, payable from the proceeds of the growing crop. These subscriptions amount to about

twenty millions, and had our ports been open, would at this time have furnished available means for the support of the government. But, in the present state of things, they stand only as a basis of credit, and are realized from time to time as sales of the crop are effected. These sales are sufficiently extensive to require the appointment of agents at the principal places of delivery to collect the subscriptions; and they have accordingly been appointed. I herewith communicate a copy of the instructions given to them.

The One-Hundred-Million Loan.

The bonds for this one hundred million loan were authorized to be issued for any period less than twenty years. The interest being at eight per cent., it was deemed best to make the period as short as possible. The war tax had been adjusted to raise a sufficient amount to pay part of the principal as well as the whole interest of the debt; and as soon as peace might be restored, a judicious economy would enable the government to pay off the debt, if distributed over a series of years. And even should it not be found convenient to pay off the instalments as they became due, the improved credit of the government in time of peace would enable it to raise money at a less rate of interest, wherewith it could discharge its obligations.

These considerations induced me to arrange the debt upon the plan of Mr. James G. Holmes, of South Carolina; the principle of which is the distribution of the debt into instalments, which call for the payment annually of a fixed sum for principal and interest, so adjusted as to extinguish the whole in twenty years. This is accomplished by making the first instalment of principal payable in two years, and the last in twenty, and distributing the payments into thirty-six semi-annual periods. This constant diminution of the principal annually diminishes the interest, and leaves a larger portion of the fixed payment applicable to the remaining principal, until the whole debt is discharged.

This scheme of public debt, it is believed, will be found more suitable to the wants of our community, particularly at the present time. The planting community will more readily be induced to take bonds which they can use in payment, or which will be paid up at short periods, and which from the small amount of money-capital usually seeking investment in bonds, they can expect to realize promptly by the usual method of sale.

The Results of the Measures.

I now proceed to exhibit the results of these measures and the present condition of the Treasury.

The receipts into the Treasury from all sources during the existence of the Provisional government, say from the 17th of February, 1861, to 18th of February, 1862, are as follows:

Customs	$ 1,270,875 48
Miscellaneous	988,888 20
Fifteen million loan	15,000,000 00
Bank loan	9,813,545 49
One hundred million loan	16,152,660 02
Interest and premium	33,785 13
Treasury notes	95,790,250 00
	$139,051,004 32

The total amount of expenditures is as follows:

Civil, miscellaneous, foreign intercourse and public debt	$ 5,045,660 82
War	152,844,430 20
Navy	7,600,485 89
	$165,490,576 91

The difference between these two aggregates, to-wit: $26,439,572.59, exhibits the balance remaining in the Treasury to the credit of disbursing officers throughout the Confederacy. This balance will be paid in treasury notes as the same may be called for, and when paid will add that amount to the issue; making for the whole issue under the Provisional government the sum of $122,229,822.59.

The Provisional Congress has extended its appropriations for the support of the government as far as the first of April, ensuing. The total amount of appropriations made up to that period is $249,285,086.26; from which deduct those already paid as above, $165,490,576.91, leaves yet to be paid, $83,794,509.39.

The means which have been provided to pay this amount are:

1. The remainder of treasury notes authorized to be issued.

Whole amount authorized	$ 150,000,000 00
Amount absorbed by expenditures of the Provisional government	122,229,822 59
Balance	$27,770,177 41

This balance is subject to further abatement on account of the temporary loan made by the banks, which they have the right to call for in treasury notes.

This loan amounts to	$ 9,813,545 49
Leaving the amount of treasury notes, which may still be issued	17,956,631 92

2. The next item of means provided by the Provisional Congress is the remainder of the one hundred million loan authorized by the war tax act.

Whole amount authorized	$100,000,000 00
Amount already issued	16,152,660 02
Balance	$83,847,339 98
Add the balance of treasury notes authorized	17,966,631 92
Total means	$101,803,971 90
Balance of appropriations as above	83,794,509 35
Surplus	$18,009,462 55

From this abstract it appears that it will require about sixty-six millions more of the one hundred million loan, together with all the treasury notes authorized by law, to pay the appropriations already made. It is not probable, however, that all these appropriations will be required. Several of them are made upon contingencies; and, in no event, is it likely that they will all be called for within the period for which they were appropriated. Continual accession to the means of the Treasury is already had from the produce loan. The subscriptions to this loan are portions of the one hundred million loan, and are therefore applicable to the current expenditures. Treasury notes, too, are deposited every day with the treasurer and assistant treasurers, upon the arrangement which authorizes their deposit on call. And if we can preserve the confidence of the country, these deposits will absorb a large portion of the bank deposits and much of the domestic exchanges of the country, as soon as it is understood that they can be drawn or transferred from place to place at the pleasure of the holder.

It is obvious, too, that these call-deposits will assist in relieving any redundancy in the currency, by withdrawing a part of the circulation; and it is hoped that, with the aid of funding in the permanent debt, this dangerous method of raising money will be rendered safe. To enable the Treasury to use the whole amount deposited, it would be well to give that department authority to hold in reserve and issue a certain surplus, in case of sudden and unexpected calls by depositors.

The next matter in order is the consideration of the estimates for expenditures and supplies, for the period designated by Congress, say to the first of December next. The estimates of expenditure furnished by the different departments are as follows:

Civil List	$ 617,572 74
Miscellaneous	2,466,223 49
Foreign intercourse	60,000 00
Public debt	1,500,000 00
War	199,799,725 58
Navy	9,560,905 29
	$214,004,427 10

The only means already provided, to supply these demands consist of—

1. The balance of the one hundred million loan, above stated, which when realized, would amount to $17,847,339.98.

2. And the net proceeds of the war tax. The amount of this item is rendered uncertain by the occupation of some of our territory by the enemy. It must be set down at a conjectural amount, say, at twenty millions.

The remainder of the supplies must be obtained by one or more of the following methods:

One. Taxes.

Two. Treasury notes.

Three. Loans.

1. *Taxes.* Experience has fully established that the expenses of modern war cannot be maintained by the taxes to be levied during a state of war. The utmost that can be obtained by taxes, at such a time, is the establishment of a solid basis for loans, and the pledging a sufficient amount of annual income to discharge the principal and interest of such loans, as they become payable. The war tax, levied by the Provisional Congress, stands upon this basis; its proceeds are too small for any other purpose.

2. *Treasury Notes.* Experience has also established that this is the most dangerous of all the methods of raising money. The danger arises from the fact that, in borrowing money in this form, the government interferes with the measures of value. The amount of currency usually circulating in a country forms its measures of value. While this consists of gold and silver, it cannot become redundant, because any excess would immediately be exported to other countries. But when a currency has no value except in one country, this security against excess is lost, and every addition becomes permanent circulation. Every money-value must re-adjust itself to this increase, and the result is, that to obtain a comparatively small amount of money, the values of the entire property of the community are changed. The government itself, in time of war, becomes the greatest sufferer. Being the largest purchaser of commodities, it buys at the inflated prices which it has itself produced, and loses more in its payments than the amount it has attempted to raise by its currency. The relations of debtor and creditor are disturbed by every successive issue, and the result is the prostration of public credit and private confidence. The facility with which a government paper currency may be issued, offers strong temptations to resort to it in difficult times. But the disastrous consequences which have always attended its over-issue, warn us to mark with care the boundaries within which it should be confined.

With this view the Provisional Congress have anxiously sought for appropriate checks and absorbents. They began with an issue of twenty

millions, which has been gradually extended to one hundred and fifty millions. Feeling their way with each successive issue, they have provided two means of relieving redundancy. One is the permision to fund in permanent securities of the government at eight per cent.; the other is a deposit on call at six per cent. It was supposed that any redundancy would be absorbed by one or the other of these outlets, and that the remainder would justly measure the actual wants of the community. Within this limit a government currency may be safely and even beneficially used.

In a former report it was shown that the actual currency of the Confederate States, before the present war, might be estimated at eighty-five and a half millions, and it was suggested that it might safely be enlarged to one hundred millions. Since that period it has been deemed necessary to extend the issue to one hundred and fifty millions. At the date of the statements above referred to the actual issue amounted to only $95,790,250; but since that period they have been increasing daily, until at present they amount to $107,988,855. The evidence of redundancy begins to appear in the freedom with which call deposits are made, and the high prices of specie and foreign exchange are partly the result of that same cause. But on the other hand, the freedom with which treasury notes are circulated at par with bank notes, indicates an equal confidence in both; while the capacity they have of being funded, gives them a superior claim on public confidence.

The fact that so large an issue can thus be supported, while at the same time the States are increasing the circulation by their issues of treasury notes, seems to prove that the treasury notes of this government perform some function which was not foreseen; and that function is probably their agency in supplying domestic exchange for the Confederacy. So long as the public confidence can be preserved, this effect would attend a currency receivable at all points at par. And while it affords a larger field of circulation, it admonishes us to use the utmost caution, lest the credit of the government should be impaired. Under existing circumstances, it seems to me that Congress might venture to authorize an issue of fifty millions more, if they will provide means for absorbing redundancy similar to those already provided for existing issues. This will raise the issue to two hundred millions, an amount at which we should pause in this direction, until we can see the effects upon the country.

3. A large balance of supplies remains to be provided, and this must be procured from the third resource, namely: Loans by means of funded debt. There is no limit to this resource short of the ability of the nation to pay. And the just measure of this ability is the amount which it can raise by taxes or revenues to refund such loans. So long as the interest of a debt can be secured with certainty, together with so much of the principal as will discharge the debt in a reasonable

time, that debt may be made available. The first step then to be taken by the government towards enlarging its loans, is to enlarge the means of repaying them; in other words, the taxes must be increased.

The war tax has already put in motion all the machinery requisite for levying a tax. It has selected those articles which can best bear the burden, and it levies on their value the very moderate rate of one-half of one per cent. The simplest of all plans, therefore, would be an increase of this tax to a sufficient amount to pay the loan required upon the principles already adopted.

The permanent constitution requires that this plan be modified. It differs from the constitution for the Provisional government, in re-enacting the clause which provided for an apportionment of direct taxes among the States. The arrangement of the tax is thus made more complex. But as soon as Congress shall declare the aggregate amount to be raised, the assessments already made may be assumed as a basis for its distribution, and will materially aid the further details.

A sufficient tax will secure the lenders. But the enquiry naturally arises, where are these lenders to be found? Our people have property in abundance, but they have no surplus capital in money. Our plans must be modified to meet this difficulty. We must accept products in exchange for the bonds wherever they can be made available for the wants of the government. The farmer has supplies for the army; the manufacturer has clothing or other commodities; the railroad company has transportation; the miner has coal and iron; all of which the government needs. If these supplies can be obtained in exchange for Confederate bonds, a loan in kind is effected on credit, to the satisfaction of both parties. An exchange of treasury notes for the same article is a purchase for cash, inasmuch as treasury notes are now money like bank notes. The issue of such notes must, of necessity, have narrower limits than the issue of bonds; and, like all cash assets, they are more readily exhausted. The whole amount of treasury notes which the government can put in circulation will be required for the pay of the army, for the wages of mechanics, and for other expenditures, which cannot be paid with bonds. To use them, therefore, for other purposes is to leave these necessary items unpaid and thereby to discredit the government.

There is also another method to be considered, in which the bonds of the government may be made available. Large sums must be paid abroad for purchases of arms, munitions of war, and army and navy supplies. The cotton and tobacco crops have usually furnished the means of making foreign payments, and they can probably now be used with advantage for the same purpose. The holders of cotton have already, to a large amount, agreed to accept bonds for the sales of their cotton. They may be induced to close their subscriptions at once by delivering to the

government in kind, at the market or some equitable rate, the produce which they have subscribed. If arrangements can be made by which this produce may be used by the government, either as a remittance or as a means of making remittances for the purchases required, it would enable the government to make available, as cash, a large amount of its bonds. The extent to which this operation could be carried can only be determined by actual experiment. It certainly would not exceed the amount of the produce loan. There would be considerable difficulty in the administration of the details, and a large confidence must be reposed in the agents. But if Congress should see fit to attempt the experiment due efforts will be made to carry it into execution.

These various considerations may be reduced into form in the following suggestions:

1. That authority be given to increase the issue of treasury notes to fifty millions more.

2. That the Secretary of the Treasury be authorized to keep a reserve of treasury notes not exceeding ten millions, and that he be authorized to issue the same to holders of deposit certificates upon any sudden and unexpected call—the issue to be reduced within the reserve fund as soon as possible.

3. That an additional issue of bonds or stock to the amount of $164,004,427.10 be authorized upon the plan already adopted.

4. That subscriptions in kind be taken for this loan of all articles required by the government to be exchanged for the said bonds.

5. That cotton and tobacco, and other agricultural products subscribed to the produce loan, may be accepted at a valuation in exchange for the bonds to such extent and under such regulations as may be determined by Congress—the Secretary of the Treasury to have authority to ship, or sell, or procure advances upon such produce for the use of the government.

6. That Congress impose an additional war tax for such amount as will sustain the additional loan which they may authorize, and that the said tax be collected at as early a day in the present year as may be practicable.

7. And, finally, to provide the machinery required for these plans, let the Secretary of the Treasury be authorized to employ such agents as may be necessary to carry out these plans, and direct the employment of such additional clerks by the assistant treasurers, and in the Treasury Department, as may become necessary.

The various schedules and estimates to which reference is made in the above report are herewith submitted in detail for the information of Congress.

All of which is respectfully submitted by your obedient servant,

C. G. MEMMINGER,
Secretary of Treasury.

CONDITION OF TREASURY JANUARY, 1863.

TREASURY DEPARTMENT, C. S. A.
RICHMOND, January 10, 1863.

Hon. T. S. Bocock, Speaker House of Representatives, C. S. A.:

SIR,—I have the honor to submit the following report of the condition of this Department:

The statements for the last year were made up to the 18th of February, 1862, the termination of the Provisional government. From the commencement of the Permanent government to the 31st of December, 1862, the receipts and expenditures were as follows:

RECEIPTS.

Patent fund	$ 13,920 00
Customs	668,566 00
Miscellaneous	2,291,812 00
Repayment of disbursing officers	3,839,268 00
Interest on loans	26,583 00
Call-loan certificates	59,742,796 00
One hundred million loan	41,398,286 00
Treasury notes	215,554,885 00
Interest-bearing notes	113,740,000 00
War tax	16,664,513 00
Loan 28th February, 1861	1,375,276 00
Coin received from Bank of Louisiana	2,539,799 00
	$457,855,704 00

EXPENDITURES.

War Department		$341,011,754 00
Navy Department		20,559,283 00
Civil, miscellaneous, foreign intercourse and customs		13,673,376 00
Interest on public debt, (loans)	$ 5,892,989	
Payment of treasury notes, act 9th March, 1861—principal	$545,900	
Interest	20,860	
	566,761	
Redemption of 6 per cent. certificates	11,516,400	
Redemption of treasury notes called in for cancellation and reimbursement of principal, under act of May 16, 1861	23,751,172	
		41,727,322 00
		$416,971,735 00
Add balance against Treasury on Feb. 18, 1862		26,439,572 00
		$443,411,307 00

Amount of receipts	$457,855,704 00
Deduct amount of expenditures	443,411,307 00
Balance	$ 14,444,397 00

This balance consists in part of the coin on hand, received from the Bank of Louisiana, and the remainder in interest-bearing treasury notes.

The appropriations made by Congress and not yet drawn from the Treasury are as follows:

Civil and miscellaneous	$10,925,049 00
War Department	57,865,879 00
Customs	396,612 00
Navy Department	12,692,373 00
Amount	$81,879,913 00

The estimates for the support of the government to first July, the end of the fiscal year, are as follows:

Legislative	231,600 00
Executive (salary of President, etc.)	13,471 00
Treasury Department	29,929,697 00
War "	242,977,067 00
Navy "	16,948,870 00
State "	150,253 00
Department of Justice	172,632 00
Postoffice Department	60,123 00
Miscellaneous	10,000 00
	$290,493,713 00

In order to ascertain the amount to be raised by Congress, we must add:

1. The estimates	$290,493,713	
2. Undrawn appropriations	81,879,913	
		$372,373,626 00
And deduct the balance in the Treasury of		14,444,397 00
Leaving amount to be raised		$357,929,229 00

The debt of the government at the same date was as follows:

BONDS AND STOCK.

Under act of February 28, 1861	$14,987,000	
" " May 16, "	6,414,300	
" " August 19, "	67,585,100	
Deposit certificates under act of December 24, 1861—issued	$69,005,370	
Redeemed	12,516,400	
	56,488,970	
		$145,475,370 00

TREASURY NOTES.

3-65 notes	$ 992,000	
2-year notes	10,919,025	
General currency	272,022,467	
7-30 notes	120,480,000	
$1 and $2 notes	6,216,200	
		410,629,692 00
		$556,105,062 00

In the above statement is contained a large amount of bonds and interest-bearing notes, which are on hand in the various depositories not yet issued. It is important to bear this in mind in estimating the effect of the act of the last session upon funding treasury notes. The loans in which such notes are funded are those mentioned in the schedule as loans of May 16th and August 19th. The amount of those loans as reported at the last meeting of Congress was on the 1st of August, $41,577,250.

By the statement now reported, the total amount of these bonds is	$73,999,400 00
From which should be deducted amount on hand not yet disposed of, say	8,000,000 00
	$65,999,400 00
And in order to ascertain the amount of treasury notes funded, there must be deducted for the bonds issued for produce, say	7,000,000 00
	$58,999,400 00
Deduct amount reported 1st August	41,577,250 00
Balance	$17,422,150 00

This balance shows the amount of treasury notes funded in five months, the average being about 3½ millions per month.

During the same period the interest-bearing treasury notes have increased from	$ 22,799,900 00
To	120,480,000 00
Increase	$ 97,680,100 00
From which deduct notes on hand	11,004,600 00
Real increase	$ 85,775,500 00

This large increase of interest-bearing notes affords satisfactory evidence that the issue of them was a judicious measure; and for any ordinary war, the bonds and interest notes, amounting together to a monthly sale of twenty and a half millions, would have sustained the

government without any resort to paper currency. But the estimates call for more than twice the amounts furnished by these resources; and we are compelled to resort to the treasury notes to supply the deficiency. It becomes, then, a most important inquiry whether the issue of such notes can be continued, and, if it can, then to what extent?

In a former report it was shown that the circulation of the Confederate States before the war might be estimated at one hundred millions of dollars. In the existing state of things, it is probable that a larger amount of currency is required. In time of peace, money passes rapidly from hand to hand, and the same money, in a single day, will discharge many obligations. A large portion, too, of the operations of business are performed by bills of exchange and bank checks. In the present stagnation of commerce and intercourse, larger amounts of ready money are kept on hand by each individual, and the Confederate treasury notes and call certificates are used as a substitute for bills and drafts to a considerable extent. If this view be just, we may venture to add as much as fifty per cent. to the usual amount of currency, and this would raise the sum total at which it might stand, to one hundred and fifty millions. The difference between this sum and the actual circulation will show the redundancy. The actual circulation embraces not only treasury notes, but bank notes and State emissions of treasury notes. In ordinary times, coin would also form a part; but at present, not only the coin but a large portion of the bank notes have been withdrawn from circulation.

The issue of treasury notes on the last day of December amounted to $290,149,692, exclusive of interest-bearing notes. By adding to this sum a sufficient amount to cover the State treasury notes and the bank notes in circulation, we can arrive at the sum total of the currency. Twenty millions added to the treasury notes would probably represent the whole.

It is this aggregate which must be kept in view when we deal with the currency as a measure of values. It is the whole mass as it is accepted by the community in exchange for its various commodities, which, by its proportional relation to those commodities, determines their prices. By a law as invariable as any law of physical nature, these prices rise or fall with the actual volume of the whole currency. Neither skill nor power can vary the result. It is, in fact, a relation subsisting between two numbers, the one representing the total values of property, and the other the total circulating medium. The nature of that medium cannot change it. It would exist with a currency of gold with as much certainty as with one of paper, if the gold were kept within the country by restraints equal to those which retain the paper.

Assuming, then, that entire confidence exists in our currency, the mere fact that its actual volume has been increased threefold would lead us to expect a corresponding increase in prices. Such increase, although eventu-

ally certain, does not usually appear at the same moment with the expansion. Like the moon's attraction upon the ocean, the time of high water is postponed for a certain period beyond the moment at which the influence has been exerted and the length of the interval is affected by exceptional causes. But although there may be delay, the event is certain. Prices will reach the height adjusted by the scale of issues, and they can only be restored to their usual condition by a return to the normal standard of currency. In other words, the only remedy for an inflated currency is a reduction of the circulating medium. Is this reduction practicable?

Before answering this question it is important that we should be fully assured of the excessive issue of paper currency. If the country were open to foreign intercourse, the difference in value between coin and paper money would at once afford a test. But in the present condition of trade, coin cannot be imported, and gold and silver have become articles of commerce like iron and lead. They cannot, therefore, take their usual place as absolute measures of value.

Difficulties, somewhat of the same kind, attend other tests, such as bills of exchange, real estate or commodities in general use, and of which there is no scarcity. Ordinarily, the average price of wheat, grain and other like articles of prime necessity would furnish a guide. But the want of transportation causes a fluctuation of demand and supply from day to day and thus deranges prices. Making all due allowances for fluctuation we find that the present prices of such articles range at nearly three times the usual peace prices. Notwithstanding the interruption of commerce, we find, also, that the foreign exchanges, and even coin, stand at nearly the same rate. Reasons of a different character, but of equal force, apply to real estate and prevent its price from being a proper guide. The general increase, however, in its nominal value confirms the conclusions deduced from the other tests. These facts unite in establishing beyond doubt both the actual redundancy of the currency and its probable rate of excess.

The remedy which is required, in order to be effective, must, therefore, withdraw two-thirds of the entire volume of the currency.

The measures already adopted by Congress were intended to act in this direction. The treasury notes were all made fundable originally in eight per cent. securities, and it was supposed that the holders of notes would prefer investing them in bonds, rather than hold them when depreciated. To stimulate investments the holders have been notified by the act of last session, that, after the 22d April, they can no longer invest in eight per cent. securities. These measures, although judicious and well-timed, are overpowered by the necessity which compels the government to increase its issues. Nothwithstanding the large and daily investments in bonds, the currency continues rapidly to grow in quantity. This increase causes a daily advance in prices, and the necessities of the gov-

ernment compel it to purchase at these prices. The payment of enhanced prices again compels a further increase in the issues, and an ascending series of action and re-action is thus established between prices and issues, which, if not arrested, must result in consequences disastrous to the best interests of the country.

These effects are hastened by the injurious operations of the excess of currency upon the bonds of the government. These bonds are offered as absorbents of the treasury notes, and the high rate of interest which they bear is the inducement to take them. In our present circumstances this interest must be paid in treasury notes. By depreciating these notes the interest suffers equal depreciation; and an eight per cent. bond becomes, in effect, a four or three per cent., according to the scale of issues of treasury notes. The inducements to take the bonds is thus destroyed, and the bonds themselves cease to afford relief to the currency. They offer still less inducement to any foreign purchaser, because he is informed by the rate of exchange that his interest will be paid in a currency which must be exchanged for his own at the rate of three dollars for one. It is plain, therefore, that the change required is a prompt reduction of the currency to its normal condition. The question recurs, is this practicable?

At the last session of Congress an effort was made to attain this result by the proposal for a loan of one-fifth of all gross income, to be paid in treasury notes in exchange for bonds. The adoption of this measure would have retired a large amount of treasury notes at an early period, and would thus have checked the advance of prices. It is the misfortune of every such failure that it leaves the evils increasing at a double ratio; and subsequent remedies must be so much the more stringent. All the causes of excess continue in full operation.

Prices increase; the government is compelled to purchase, and the purchase must be paid by new issues. Each new operation aggravates the disease, and hesitation or delay is ruinous.

The conditions, then, which any sufficient remedy must fulfil, are first prompt, and secondly, effective reduction. To be effective, the currency must be reduced at least to the one hundred and fifty millions already shown to be its extreme limit; and this reduction must be so prompt as to take effect before prices can undergo further increase.

To meet these conditions, I would respectfully propose that after the lapse of a reasonable time, the issues of treasury notes bearing date prior to the 1st December, 1862, shall cease to be currency. This can be done with the least possible injury by following up the action of Congress at the last session, and fixing a period of limitation for funding these notes.

As the law now stands, these notes are receivable for government dues; and the holder is entitled to fund them in eight per cent. securities, until the 22d April next, after which date he can fund in seven per cent. I

propose simply to fix a period of limitation for the exercise of this last mentioned privilege, by enacting, that after the 1st July next the privilege of funding these notes shall cease. Six months have already been allowed for investment in eight per cent. securities, according to the contract on the face of the note. Two months more will be allowed for investment in seven per cent., and if, after so long a notice, the holders do not choose to avail themselves of their privilege, the good faith of the government will stand clear of imputation.

But it is essential to good faith that ample means should be provided by the government, to secure and pay the principal and interest of the securities in which the holders are required to invest. This can only be effected by an ample and permanent tax. Such a tax is the corner-stone of the whole fabric. Without it, the scheme has no foundation, and can secure neither public confidence nor success. The proper extent of this tax will hereafter be considered. It is sufficient for the present to affirm that it must, at least, pay the interest on the entire public debt.

To give completeness to the plan, it would seem proper to provide measures for any future redundancy. We are happily relieved from this necessity by the patriotic proposal of several of the States to guarantee the whole, or a large portion of the war debt of this government. If all the States can be induced, promptly to adopt this measure, means will thereby be furnished to absorb any excess of the new issues over the proper amount of currency. The guaranty of the States will enable this government to reduce the interest of its bonds to six per cent., and if the States can be prevailed upon to extend the guaranty so as to cover the whole war debt, or at least four or five hundred millions thereof, the saving in interest will be so great as to enable the government, in due time, to extinguish the whole principal of its debt. Upon a debt of five hundred millions, this saving will be just ten millions. The ability to apply this amount to the principal, instead of the interest, affords such obvious advantages, as to ensure the favorable consideration both of Congress and of the States.

An analysis of the scheme proposed will reduce it to three essential features:

1. A limitation of the privilege of funding the notes issued, prior to 1st December.

2. A war tax.

3. A guaranty by the States.

I. In considering the first of these features, the first inquiry which suggests itself is, what will be the effect of this limitation? Will it arrest the circulation of the notes and lessen the volume of currency?

Its first effect will certainly be to add another stimulant to investment in bonds. It was unfortunate that the act of the last session postponed the change of interest for six months. The delay has deprived the remedy of much of its efficacy, and good faith requires that at least sixty

days should be allowed for its operation. Otherwise, I would have proposed to limit the funding privilege to 1st May, instead of 1st July. The effect of the stimulant is thus retarded. Still the fact that there is a period of limitation will induce holders to come in before it expires. Those who desire to secure eight per cent. securities will come in before the 22d April, or hold up until near that day, the notes which secure that right, and all who can, will come in before the 1st July, to save the final exclusion. It is probable, therefore, that throughout the entire period an amount will be wit drawn sufficient to check any rapid advance in the total amount of circulation.

But when the final date of limitation approaches, the notes will not pass readily from hand to hand; and the result will be that they are thrown out of ordinary circulation and relieve the currency to that extent. The comparatively small amount then left in the hands of individuals, will cease to have a purchasing power. They will pass only by special contract, and their chief value will consist in their being receivable for government dues. If, at this point, the government will collect a tax sufficient to absorb the whole remnant, the relief afforded to the community and the currency will be made complete.

Hitherto the policy of the government has sought to absorb the circulation by inducements alone. Bonds at a high rate of interest have been offered; but the inducement has been abated by the depreciation of the currency in which the interest is paid. It is proposed now to supply the deficiency by a small portion of constraint. We see on every side of us indications of the abundance of money. Large sums are everywhere held on deposits; but the holders propose for themselves more profitable investment securities. The ability to keep unemployed these sums, and to hold them for an indefinite time, proves that no serious damage will be suffered by requiring their conversion into bonds. The large amount of money which is shown by the war tax returns, to be invested at interest in private hands, confirms the belief that there is no want of capital among our people. It does not seem to be a rash conclusion, therefore, that at least three-fourths of the currency outstanding on 1st December, may be funded without substantial damage to private interests. If the remaining fourth could be absorbed by a tax, the solution of the problem would then be complete. The people are fully prepared for the payment of a high tax. It may not be practicable to place it at so high a rate as to absorb one-fourth of the entire currency to be called in, but it may approach so nearly as to leave unabsorbed only that portion which will remain outstanding, in spite of all efforts to call it in.

I will not venture to assert that grave objections may not be made to this scheme. Such objections will be found in the way of every plan. They are necessary results of the proportions of the war which is waged against us, and of the enormous sums of money required to carry it on. But it appears to me that upon due examination, these objections, if not

entirely obviated, will be found to be counterbalanced by equivalent advantages.

The first and most obvious objection to the scheme is that it is an infringement of the contract. The notes have been accepted upon the promise of the government that they may be invested in interest-bearing public securities, and that promise is not fulfilled after the 1st July next.

It might be answered that Congress has already settled this principle by the act of last session, which reduced the interest from eight to seven per cent. A still better answer will be found in the reasons which led to that act, and which makes necessary the one now proposed. A limitation of time for the performance of contracts has never been considered an infringement where sufficient opportunity is given to claim performance. Justice is satisfied by giving to the party full opportunity to receive the benefit of his contract. Upon this principle rests every change in statutes of limitation. Examples of the same principle are afforded in private matters by the laws of partnership and for the administration of assets. In public matters the history of every nation affords like precedents, which will probably find support in the laws of every State in our Confederacy.

The modification of the contract is substantially for the benefit of both parties. The object in view is to increase the value of the whole remaining currency. This object it effects by increasing the purchasing power of each note in proportion to the reduction of the whole. Assuming this reduction to be two-thirds, it follows that every holder of only one-third, in proportion of the new issues, will have the same value in money left after he shall have invested the other two-thirds in bonds. In other words, he will make a clear gain of those two-thirds. If he shall have in his possession none of the new issues, he will, nevertheless, gain in the reduced price of every article of consumption.

2. Next it will be objected that after the lapse of the period of limitation the value of the note as money is taken away. It is true that the note will lose its function as money, but its intrinsic value is unimpaired. It is still receivable for public dues, and it still has the faith and property of the Confederate States pledged for its payment. It will even have a modified circulation. A great public exigency has arisen which compels a change, and all that the government can do is to make the change with as little injury to private rights as possible. This it endeavors to do by avoiding any direct interference with the contract, and by giving to the holder ample opportunity to reap all its advantages. The time for the enjoyment of these advantages was no part of the contract, and every holder was bound to know that such an incident has always been considered within the control of the law-making power.

3. It will be urged that the calling in the circulation as proposed will cause too large and sudden a contraction. An examination of the proba-

ble state of the currency at the date of limitation will show this objection to be unsound. The new circulation to be issued after the 1st December will on 1st July probably be upwards of two hundred millions. It will be issued gradually, and will fill up the channels left by the funding of the old issues, and, so far from producing contraction, the new issues will probably be in excess at too early a date. The danger at all times to this kind of currency is in that direction.

4. A fourth objection will be found in the probable effect on the price of bonds. The large amount of currency turned into bonds will cause the supply to outrun the demand, and the usual consequences of such a condition of the market will follow. It cannot be denied that the price of bonds will probably fall. But this fall will in truth be merely nominal, and will find a full compensation in the increased value of the currency for which they are sold, and in which the interest will be paid. Those classes of the community which sell bonds from necessity or for the means of living will probably gain more in the reduced market prices of the articles which they purchase than they will lose in the reduced market value of the bonds which they sell. Those who hold the bonds on speculation would gain or lose according to their ability to hold them, while all those who have taken them as investment will escape injury by simply holding them according to their original purpose. The contraction of the currency will increase the value of the interest paid them during the war; and at the end of it they will have a security which will command a price which will amply repay their confidence.

The most conclusive answer, however, to this objection is to be found in the fact that whatever may be the amount of depreciation on the bonds, it cannot exceed the depreciation in the value of the currency. If the government must issue an obligation in the shape of currency to pay twenty-one dollars for a barrel of flour, which in a normal condition of the currency could be purchased with seven, it is actually selling its paper at one-third of its face. At the same time, by excessive issues, it is disturbing all other values, and all the commercial relations of society. The depreciation in the bonds could never reach this high rate; neither would it affect the prices of commodities or commercial relations. If, then, we are reduced to a choice between evils, the reduced value in the bonds is manifestly the less.

II. We come now to the consideration of the next great feature in the scheme, namely: The war tax. What shall be the subjects of that tax, and what amount shall it raise?

The subjects upon which a tax may be levied are many, and the expediency of each involves questions which it is not proposed at present to discuss. It seems to me that a tax upon property and income is so much to be preferred to stamp duties, excises, licenses, and other like taxes, which call for a machinery vexatious in its character and expensive in its operation, that there will be little hesitation on the part of Congress in its ac-

ceptance. The direct tax heretofore levied has set in operation all the machinery necessary to levy another; and an income tax could be collected by the same means. It seems to me that both these forms of tax should be adopted. To lay a sufficient tax upon property alone would require too large an increase in the rate of last year. Such an increase would operate with peculiar hardship upon property producing no income. On the other hand, a tax upon income is so easily evaded, that of itself it would furnish an insecure resource. It is proper, however, that incomes should be taxed; otherwise the whole profits of speculation and trade, together with those resulting from skill and labor, would escape contribution. I propose, therefore, that a tax be imposed upon property, and upon the gross amount of incomes of every kind, excepting those below some minimum to be adjusted by Congress.

The next enquiry is as to the rates of these taxes, to adjust which, it must first be ascertained what amount it is necessary to raise. It has already been shown that up to the first July next, the treasury notes in circulation will exceed $500,000,000 00
Deduct the circulation proposed to be left, say 150,000,000 00

Remaining funded $350,000,000 00

The annual interest on this sum at 8 per cent. is. . . . . $ 28,000,000 00
To this must be added the interest upon about 120 millions of 7-30 notes 8,760,000 00
And upon 60 millions of 6 per cent. certificates 3,600,000 00
Also the interest upon 8 per cent. bonds and stock, say about 100 millions 8,000,000 00

$ 48,360,000 00

This amount shows the lowest figures which should be raised by the tax. The soundest considerations of policy would add as largely to this sum as the people of our country can bear. If the tax be made payable in all kinds of treasury notes, it would absorb so much of the first issues, and by reducing the amount to be funded, would abate the force of the objections to the scheme. If sixty millions of notes could be thus called in, the benefits resulting would fully counter-balance every possible hardship. The currency would promptly recover its value, the bonds would become an object of investment, instead of being thrown on the market, and a sure and steady system of finance would be established.

A tax of one per cent. on property, if it could be made as productive as last year's, would raise twice the amount of the last war tax, say forty millions. But inasmuch as portions of the States are in the hands of the enemy, it would be proper to make a deduction of probably one-tenth, which would leave the amount at only thirty-six millions.

This sum would be subject to still further abatement, so long as the decision of the Confederate Court of South Carolina as to the power of Con-

gress to tax State bonds remains unreversed. The very large amount of money invested in this form was included in the war-tax act of the last year, and the tax thereon was paid everywhere, except by those who raised the question in South Carolina. For the ensuing year the case would be different. If the same tax were laid by Congress it is probable that the holders of State bonds would claim exemption under this decision, and Congress itself might be unwilling to re-enact in the same form, a law which has been declared unconstitutional by the co-ordinate branch of the government, until that decision is reversed. The question is of such magnitude and involves such great interests, that an appeal was taken. But this appeal cannot be decided until a Supreme Court shall be organized. It may be worthy, therefore, of the consideration of Congress, whether the question should not be raised in another form, by taxing the income of the bonds in the hands of the citizens. The taxing power over income in the hands of the citizens for consumption may be distinguished from that over State bonds, specifically as property. In my view, both are constitutional, and the public interests demand that every proper effort should be made to ensure consideration of the question in all its aspects. In either case, however, the tax would probably prove unproductive, until the question shall be finally decided. It is necessary, therefore, to estimate for an abatement on the tax of last year. Assuming one hundred millions as the probable amount invested in State securities, a tax of one per cent. would amount to one million of dollars, and so much must, therefore, be abated from the estimate.

In estimating the rate of a tax on incomes, the only basis to which I can refer, is the value of the entire property in the eleven Confederate States. It may be assumed that the net income of this property is measured by the average rate of legal interest of the money which represents its value. If the tax were laid upon net income, and that income were faithfully returned, it could, in this way, be estimated with some degree of accuracy. But the devices are so many by which a return of net income can be evaded, as to make such returns unreliable. A resort to gross income is, therefore, more expedient. The difference between the two must be at least 25 per cent., but, under existing circumstances, and for the purpose of an estimate, it would be prudent to disregard the difference and assume that the returns of gross income will be about equal to the average rate of legal interest. It is believed that even the proceeds of skill, speculation and labor which may be returned where no capital is involved, will not materially vary the result.

The estimate formerly made to Congress of the value of all the property in the eleven Confederate States, in which taxes have been collected, was 4,632 millions. If we leave out the odd numbers in these figures, on account of such property as is now beyond the reach of taxation, and for other contingencies, we have in round numbers, 4,000 millions. The av-

erage of interest in the Confederate States may be set down at seven per cent., which would make the total income equal, to say, 280 millions. A tax of ten per cent. on this sum would produce, in the gross, about 28 millions. And this added to the property tax of 35 millions, would raise a sum total of 63 millions of dollars, or in round numbers, 60 millions after deducting expenses and contingencies.

It will probably be insisted that there is no occasion for the imposition of so heavy a tax; and many will contend that it is sufficient that the government pay the interest alone of the public debt. I ask leave most earnestly to dissent from this doctrine, and to urge upon Congress a continuance of the policy already adopted by this government, of making portions of the public debt payable every six months after the probable termination of the war. The sinking funds devised by Mr. Pitt and the great statesmen of his times, have proved deficient, not in principle, but in administration. The principle upon which they rest is the annual raising of an amount beyond the interest for the purposes of eventually discharging the principal. The punctual investment of these surplus sums at compound interest by the mere operation of numbers, would be certain to discharge the debt in a given time. The failure of this plan, in its effect upon the public debt of England, arose from the defects in its administration. As the invested fund increased in amount, it offered constant temptation to the government to make use of it, and the party in power often preferred inventing pretexts to seize upon it, or to court public favor by calling off unpopular taxes required for its increase rather than continue or augment those taxes. Besides, the neglect to make punctual investments as the interests accrued, had a constant tendency to reduce compound interest to simple; and thus it was found impossible, in a long course of years, to preserve the fund inviolate, or to maintain the constant supply from taxes, which the plan demanded.

These defects are believed to be remedied by the plan upon which the one hundred million loan of this government has been issued. It resembles the sinking-fund plan in requiring an annual surplus of taxes beyond the amount of interest on the public debt. But it differs from it, in applying this surplus to the immediate reduction of principal. The machinery of a fund is dispensed with, together with all its attendant officials. The best practical investment is made by paying off so much of the public debt; and the temptations and waste, incident to a fund, are avoided. The full benefit of a sinking fund is thus secured without its disadvantages. All that is required is the original adjustment of the payments of principal through an entire series of years, and the steady determination of Congress to raise annually a fixed sum sufficient to make these payments in addition to the yearly interest. The number of years in which the debt will be paid, will depend upon the amount of this fixed sum. In proportion to its excess over the annual interest will be the shortness of the period. The first payments of principal will be compar-

atively small. But each will diminish the interest of the succeeding year, and will thereby set free a larger sum annually to be applied to pay the remaining principal, until the debt be finally discharged.

The act of Congress of 12th April, 1862, departed from this plan, and made the next issue of bonds payable in thirty years, subject to redemption at any time after the expiration of ten years. The whole subject necessarily comes up for consideration in adjusting the tax now to be laid by Congress.

The fifteen-million loan carries an interest of eight per cent.; it is payable in ten years, but may be redeemed at any time after the 1st of September, 1866. The one-hundred-million loan is also an eight per cent. loan, and is made payable in instalments which fall due every six months for eighteen years from 1st January, 1864. The first instalment of principal of $1,288,700 is payable 1st of January, 1864; the second of $1,340,100 is payable 1st of July, 1864. The third loan is under the act of April, 1862; it is also an eight per cent., payable as above stated, at the pleasure of the government at from ten to thirty years.

If Congress should approve the application of the plan of the one-hundred-million loan to the whole debt of the government, then a change should be made in the loan of April, 1862. No bonds have yet been issued under that act, and the matter is yet within the control of Congress. A modification of the law must be made at any rate to meet the reduction of interest required on notes issued subsequent to 1st of December. If the scheme of finance, hereinafter proposed, in relation to the debt guaranteed by the States shall find favor with Congress, a further modification of the loan of 12th of April, 1862, should be made by reducing the period for redemption from ten years to five. This change will enable the proceeds of the sale of the six per cent. bonds guaranteed by the States, to be applied in discharge of the eight per cent. at the end of five years, in case they cannot be purchased in the market sooner.

III. We come now to the third feature in the scheme, namely: The guaranty of the States.

The State of Virginia led the way and proposed that Congress should devise a plan for a loan to be guaranteed by the States. Congress did not see fit to take any action on the subject at its last session. It was probably deemed best that the proposal shall come from the States. An offer of their guaranty is certainly more beneficial to the credit of the government than a request for aid. The delay has given the opportunity to the States to make the offer. The State of Alabama has offered a guaranty of her quota of the whole war debt upon certain conditions. The State of South Carolina has offered to guaranty a quota of two hundred millions upon certain other conditions. A copy of the action of their respective Legislatures is herewith submitted.

The varying action of these two States evinces the importance of settling a definitive plan by Congress. It is probable that every State will

cordially respond to such plan and sustain the credit of this government. The great advantages to be derived from this guaranty have already been somewhat developed. It is only necessary now to give prominence to two of them: First, the opportunity which it affords of converting an eight per cent. into a six per cent. debt; and, secondly, the premium which can be realized on the sale of the bonds. The former will enable the government to establish a loan on the principle already explained, and the latter will place in its hands ample means to call in the redundancy of treasury notes after the 1st of July next, and to sustain the credit of its eight per cent. securities or to purchase them.

Assuming that the States may be induced to extend their guaranty to five hundred millions, I propose to adjust the debt upon the plan of the hundred-million loan so as to insure its discharge within a given period. The length of this period depends upon the sum which Congress will devote to the annual payments. The commencement of the period or the date at which the first payment is to be made is, of course, within the control of Congress, and involves the same inquiry as to the amount now to be raised by taxes. A postponement of this first payment of principal would seem to allow a diminution of the tax. But it must be observed that some considerable time must elapse before the guaranty of the States can be had; and further time must then be consumed in carrying the plan into execution and in procuring returns of the sales. During all this period the eight per cent. and 7.30 notes are outstanding, and will absorb nearly as much more money as will afterwards be required to meet the first annual payments on the principal. Besides this it cannot be too strongly urged that the present is the appropriate moment at which to commence a proper system of taxes. The patriotism of the country is now fully aroused. The duty of contributing largely to the support of the government is generally recognized. The large amount of money in circulation will make the payment easy, and the payment itself will aid the tax-payer by reducing prices to their proper condition.

Before leaving this subject, I would respectfully submit that there is another plan for arranging the debt in instalments, which would produce the same results. It is by issuing all the bonds in the usual form payable at the same date, and attaching to them a condition that the Secretary of the Treasury shall annually or semi-annually by lot designate a certain portion to be paid off. If these annual payments were arranged on the same principle which governs the one-hundred-million loan, and were made equally obligatory upon the government, the result would be the same.

A reference to a few details will conclude all I have to say on this subject:

With my last report was submitted a report from the war-tax office, to which I request your attention, particularly to the observations in rela-

tion to a uniform tax on slaves. It is proper, also, to make provisions for a more equal assessment of property in each State. A commission of a certain number of the tax collectors from the various portions of each State should be appointed to meet and adjust the rate at which the various kinds of property should be assessed.

It seems to me, also, that the entire machinery of assessors provided by the last act can be dispensed with by charging the duties of the assessors on the district collectors, and increasing their salaries. Exceptions may be made in case of large cities. This defect in salaries attaches to the entire arrangement of the last act. It is not a wise policy to confide large money arrangements to officers who are badly paid. The patriotism of the officers induced them, during the last year, to accept the offices with the small salaries allowed. But it would be neither wise nor just to ask a repetition of the sacrifice.

The issuing of treasury notes and the transfer of them to the various depositories with the arrangements at those depositories for their receipt, custody and disposal, have grown into some of the most important functions of this department. The engraving, printing, and preparing the notes involve great responsibilities and still greater expense, and I must again urge upon Congress the expediency of creating for this branch a separate bureau. The necessities of the times compelled a transfer of the printing establishments to Columbia. It seems a better policy to encourage private competition and enterprise, rather than undertake to carry on mechanical work by the government. The engraving and printing, together with the manufacture of paper, having all been done by contract. But the handling of the notes after they are printed, and the trimming, numbering and signing them require a large number of clerks. I have been obliged greatly to increase the number under the authority of the act of March 7, 1861, and the whole number is now two hundred and sixty-two, of whom one hundred and thirty-nine are ladies. I ventured upon the employment of the latter, under the belief that they would be found diligent and efficient, and that Congress would approve the relief which was thereby extended to a large portion of the most loyal, suffering and deserving of our country-women. In arranging their duties, I reduced the time and work required below the rate required of the men, and made a proportionate reduction of salary. The plan has been found to work well. When it is considered that this very large branch of the business of the Treasury is without an appropriate head, and must be superintended in all its details as matters now stand by the Secretary himself, it will, I trust, be deemed reasonable to establish a separate bureau for its administration. I am bound by a sense of public duty again to say, that it would conduce more to the public interest to dispense with most of this agency, and have the signatures to the notes engraved and printed. Experience proves that any signature is readily imitated—that the signatures of the same writers vary so much as to af-

ford no adequate guide, and, that where so many signers are employed, it is impossible to inform the community either as to their names or signatures. The written signatures, therefore, furnish no better security than the engraved.

The issue and deposit of treasury notes, and the very large disbursements now made for the war, have changed the entire character of the treasuries and depositories. Those at Richmond, Charleston, Montgomery and Jackson have become large banks, and the number of clerks and the salaries of both officers and clerks are wholly inadequate. The Assistant Treasurer at Charleston has a salary of $2,500, and the clerks at each office are limited to $1,200. The teller in a bank receives as much for his salary as is now paid to the Assistant Treasurer at Charleston. That officer has, for some time, desired to resign, and for two months I have been seeking, without success, a proper successor. I have also been unable to procure competent clerks at the salaries prescribed, and have been obliged to add to the sum. Congress may judge of the importance of these offices when they are informed that five or six millions of dollars are frequently in their hands on deposit. These officers, moreover, are made responsible for the acts of the clerks under them, a liability which, under present circumstances, no responsible party is willing to take. Unless these difficulties are corrected, it will be difficult to retain the present incumbents, and almost impossible to procure proper successors.

The collection of the produce loan, together with the purchase of produce under the act of April 21, 1862, has been prosecuted with vigor. The total amount of subscriptions to the loan valued in money is about twenty-five millions of dollars; of which $7,631,044 have been collected at an expense of one-third of one per cent. The purchases of cotton, thus far reported by the agents, amount to 69,507 bales, costing $4,474,400. These purchases, at the present moment, have probably reached 250,000 bales, including those of which reports are on the way. In order to dispose of the cotton, two forms of certificates have been devised. By one, the specific parcel of cotton is identified and disposed of. By the other, the government obligates itself to deliver certain quantities at certain points, at a fixed price. By the advice of our Ministers abroad, some of the latter certificates, covering about 30,000 bales of cotton, have been placed as an experiment in the foreign market; but sufficient time has not elapsed to hear from them. The details of this branch of the department are set forth in the report of the clerk in charge, to which your attention is invited. The important and responsible duties entrusted to this clerk, render it proper that his office should be placed on a level with other branches in the department. I would, therefore, respectfully recommend that the office be raised to the grade of a chief clerkship.

The collated returns of the war tax have not been completely made in all the States. The report of the chief clerk in charge of this bureau, is so full and distinct upon the several points to which attention is due, that

I cannot do better than refer you to a copy thereof, which is herewith presented. The question that has arisen between the Governor of Tennessee and the Department is a mere question of estimate; but as it involves a large sum, the Secretary would respectfully ask the direction of Congress as to some proper mode of adjusting the difference. The liberal manner in which the State has acted under the circumstances, may induce Congress to adopt an estimate which the Secretary would not feel himself empowered to accept.

The suspension of the collection in several parts of other States is also submitted specifically to the attention of Congress, in order that further instructions may be given. In relation to the State of South Carolina, it should be remarked that the Governor has directed the tax to be collected by the State tax collectors, wherever practicable, and the amount to be paid over to the Confederate Government.

It is in my judgment advisable that we should improve the present opportunity to largely increase our specie credits in Europe. As a step in this direction, I have sent a large amount of the cotton-loan bonds authorized by the act of the last Congress to our financial agent at Paris for negotiation, and am advised that they are in demand at the monied centers of Europe. The provisions of the act authorizing this loan are somewhat ambiguous. It is not clear as to whether Congress intended that these bonds should be used in funding treasury notes, or that they should be used in making a foreign loan. I recommend that the act be so amended that the bonds provided for may be used for largely increasing the amount of our specie credits; also that the rate at which cotton should be taken in payment of the coupons of the bonds, when due, shall be reduced to six pence, and that the option remain, as now provided, with the holder, to receive cotton at this price per pound, or coin, as he may elect. With this amendment to the act, I am assured that purchasers for a large amount of these bonds can readily be found in the markets of Europe.

The legislation which will be required to carry into effect the several matters recommended in this report, is the following:

1. An act limiting the period for funding the treasury notes, bearing date prior to 1st December, 1862.

2. Authority to issue a sufficient amount of treasury notes, to pay the appropriations required for the support of the government to 1st July next.

3. Authority to issue bonds and stock sufficient to fund the notes already issued, entitled to be funded at eight per cent.; and those hereafter to be funded at seven per cent.

4. A call upon the States to guaranty the war debt, upon a plan to issue six per cent. bonds, payable in instalments, in twenty-five years, upon the plan of the one-hundred-million loan.

5. A modification of the loan act of April, 1862, by reducing the time to five years, within which the government may redeem the bonds.

6. A war tax upon property and income.

7. The appropriation act.

8. The organization of a bureau in charge of the issue of treasury notes.

9. Increase of the salaries of the Assistant Treasurers and depositaries and their clerks.

All of which is respectfully submitted,

C. G. MEMMINGER,
Secretary of the Treasury.

CONDITION OF TREASURY, SEPTEMBER 30, 1863.

CONFEDERATE STATES OF AMERICA,
TREASURY DEPARTMENT, *Richmond*, December 7, 1863.

Hon. T. S. Bocock, Speaker of the House of Representatives:

SIR,—I have the honor to submit the following report of the condition of this Department:

RECEIPTS FROM JANUARY 1ST TO SEPTEMBER 30, 1863.

For eight per cent. stock	$107,292,900 70
For seven per cent. stock	38,737,650 70
For six per cent. stock	6,810,050 00
For five per cent. call certificates	22,992,900 00
For four per cent. call certificates	482,200 00
Cotton certificates, act April 21, 1862	2,000,000 00
Interest on loans	140,210 11
War tax	4,128,988 97
Treasury notes	391,623,530 00
Sequestration	1,862,550 21
Customs	934,798 68
Export duty on cotton	8,101 78
Patent fund	10,794 04
Miscellaneous, including repayments by disbursing officers	24,498,217 93
Total	$601,522,893 12

EXPENDITURES DURING SAME PERIOD.

War Department	$377,988,244 00
Navy Department	38,437,661 00
Civil, miscellaneous, etc	11,629,278 00
Customs	56,636 00
Public debt	32,212,290 00
Notes cancelled and redeemed	59,044,449 00
Total of expenditures	$519,368,559 00
Total of receipts	601,522,893 00
Balance in treasury	$ 82,154,334 00
From which is to be deducted the amount of treasury notes which have been funded and brought in for cancellation, but have not yet been regularly audited, estimated at	65,000,000 00
Total	$ 17,154,334 00

Public debt (exclusive of foreign loan) at same period was as follows:

FUNDED.

Eight per cents	$207,128,750 00
Seven per cents	42,745,600 00
Six per cents	41,006,270 00
Six per cent. cotton interest bonds	2,035,000 00
Total	$292,915,620 00

UNFUNDED.

Treasury notes:	
General currency	$603,632,798 50
Two-year notes	8,477,975 00
Interest notes at 3.65	627,450 00
" " " 7.30	122,582,200 00
Under $5	4,887,095 50
Five per cent. call certificates	26,240,000 00
Total	$766,447,519 00
Deduct amount of treasury notes funded and cancelled, above referred to	65,000,000 00
	$701,447,519 00

In order to estimate the amount of treasury notes in circulation at the date of this report, there must be added the further sum of one hundred millions for the two months which have elapsed since the date of the above schedules. The balance of appropriations already made by Congress, and not drawn on 30th September, stood as follows:

War Department	$395,502,698 00
Navy Department	24,413,645 00
Civil, miscellaneous, etc.	56,240,996 00
Customs	294,460 00
Total	$476,451,799 00

The estimates submitted by the various departments for the support of the government are made to 1st July, 1864, the end of the fiscal year, and are as follows:

Legislative Department	$ 309,005 00
Executive Department	52,350 00
Treasury Department	25,583,359 00
War Department	438,078,870 00
Navy Department	13,624,945 00
State Department	544,409 00
Justice Department	222,587 00
Postoffice Department	82,968 00
Total	$475,498,493 00

If these estimates be extended to embrace the remaining six months of the calendar year, they must be doubled; and that sum added to the undrawn appropriations would make an aggregate of $1,427,448,788, which Congress is formally called upon to provide. It is obvious, however, that the amount to the credit of undrawn appropriations cannot be called for, inasmuch as there remain but three months of the present calendar year to be provided for, and the expenditures are limited to fifty millions per month. So, too, as to the estimates. Any measures which will promptly reduce the currency will act upon prices and thereby materially reduce the estimates. But the larger figures exhibit to us in a distinct and tangible form the problem which we are now required to solve. The currency has, by this time, attained dimensions of five times its proper size. The estimates are based upon prices fixed by this condition of the currency. If these estimates are to be supplied by new issues of currency, prices must again increase and large additions must be made to the figures which represent both currency and estimates. It is obvious, therefore, that some other mode of raising supplies must be devised, and the necessity is equally obvious of reducing the currency. We are thus distinctly presented with these two conditions as necessary elements of the problem to be solved—namely, reduction of the existing currency and a supply of means from some source other than treasury notes.

In a former report it was shown that one hundred and fifty millions of dollars was probably the amount of currency which could be put in circulation under existing circumstances in the Confederate States without material derangement of values. The currency in circulation when the estimates for the ensuing year were made up was about four times that amount, and it may be fairly assumed that the prices were then nearly four times what they would have been if the currency had been restored to its original condition. A reduction of the currency should, therefore, be a preliminary measure. It is substantially the most efficient means of raising supplies—far more so than either taxes or loans. These last serve only to provide the amount which they nominally raise, but a reduction of the currency by reducing prices furnishes three or four times the amount of such reduction. It may be fairly assumed that a reduction of the currency to two hundred millions would enable the government to sustain itself with an expenditure of only four hundred millions in money, and if our problem be then stated in figures, it requires the apparently opposite conditions of raising four hundred millions of supplies and of retiring an equal amount of currency.

But there is also one further condition involved. The support of the government requires continued supplies. Any delay in the action of measures to relieve the currency aggravates all the difficulties. In the interval other issues must be made, and those issues react on prices and increase the government expenditure. Promptness and certainty in the

reduction are, therefore, as important as the reduction itself. Thus we are fairly confronted with the three difficulties to be surmounted.

1. The currency must be reduced.
2. The supplies must be raised.
3. The measures to attain these ends must be prompt and certain.

I. The currency must be reduced.

In the present expanded state of the currency it would not be expedient to reduce the circulation to its proper normal standard. In order to effect the results demanded by the public interests, the contraction must, of necessity, be great and sudden. But it is presumed that a reduction of the entire volume to two hundred millions will be sufficient. After the war, measures may be adopted for such further reductions as may then be proper. The excess of currency over this proposed standard is now about five hundred millions. The reduction of prices which would follow the retiring of this excess would, in all probability, so reduce the expenses of the government that four hundred millions of money would be a sufficient supply. Thus we have before us a demand for nine hundred millions in the course of the ensuing year.

In the present state of the country it is manifestly impossible to raise this large sum by taxes alone, and we are, therefore, compelled to resort to the only other resource presented by experience—namely, a loan.

In the voluntary form loans have already been tried by the government, and have succeeded to the extent of upwards of three hundred millions since the commencement of the war. For an agricultural country like ours, this, under the unexpected pressure upon our people, would justly be deemed a large contribution. At the commencement of the war no one foresaw the extent to which it would be carried. It was not expected that we would be called upon to check the advance of half a million of men, supported by the whole outer world, while we were shut into our own soil and resources. Our products were thought essential to the rest of mankind, and it was believed that they would come and buy them. Our financial measures were commenced with these views and were founded upon the basis of specie values. We issued treasury notes without interest, and then offered to exchange them for bonds whose interest was paid in coin. This interest was made as high as eight per cent., because the legal rate of interest in the greater number of the original Confederate States was at and over seven per cent.

This system was based upon sound principles, and if we could have exported our produce and thereby have procured specie, or its equivalent, the plan would have effected the objects intended. Unfortunately, the blockade was accepted by neutral powers, and our just expectations were disappointed. The specie of the world could not flow in upon us, and, when ours was exhausted, we were compelled to pay interest on our bonds in treasury notes. The foundation of the system was thus lost. Paper money rested on other paper, and as both accumulated they acted

and re-acted on each other, until both have been reduced to the rate at which they now stand.

The obvious mode of recovery is to restore the specie foundation or to obtain a substitute approaching specie values. This was attempted at the last session of Congress by the issue of cotton interest bonds, and by the proposal to obtain the guaranty of the States on the bonds of the Confederate States. These bonds, if negotiated in Europe, it was expected would provide funds for the redemption of the currency and thus replace it upon a firm foundation. As late as the fall of Vicksburg the credit of the Confederacy was so good in Europe that it is believed that bonds with such a guaranty could have been negotiated at a rate which would have enabled the Secretary of the Treasury to control both the currency and the foreign exchanges. Unfortunately, some of the States refused their concurrence and the measure failed. While these various measures were in progress efforts were made by the government to put in action the only other mode of raising money—namely, taxes. The first tax was laid in August, 1861, and although not collected until 1862, yet so little were the people prepared to respond that the tax was actually collected from them in only three States. In the rest the States themselves advanced the amount due by their citizens and aggravated existing evils by issues of their own notes and bonds.

The small avails of this tax left the government no resource but to continue the issue of treasury notes, and to sustain them, as far as possible, by funding them in bonds. Efforts were made by inducements and limitation of privileges to promote funding. These efforts, added to those which had preceded them, led to the funding of upwards of three hundred millions, as already stated—a sum which would have been deemed satisfactory in any ordinary war, but which is wholly inadequate for the present.

At the last session Congress passed another tax bill, which is now in the course of being executed. But the large increase in prices, and the consequent increase of demands on the government, clearly show already that the tax, if even now realized, would be wholly inadequate to supply these demands. A further issue of treasury notes is, indeed, a necessity, until other measures can be adopted; but the public mind has at last become awakened to the stronger necessity of devising such measures, and seems prepared to adopt any remedy, however sharp, if it can be satisfied that such a remedy will be effective.

I have already stated that there are but two legitimate sources of supply—to-wit: taxes and loans. No nation engaged in a war like the present has ever been able to sustain itself by taxes alone. Loans, also, are necessary, but in order to negotiate them an assurance must be given that the interest will be paid in a medium of certain value. The departure from this principle has undermined our credit, and our first effort should be to recover our first position. We must make the interest of any loan which is to be offered payable in specie or its equivalent.

The fifteen-million loan has taught us a mode of effecting, at least in part, this desirable result. A duty, payable in coin, is allowed to be discharged by the coupons of this loan, and the result is that the bonds have maintained a steady value, their market price being nearly twice that of other public securities. If, then, a loan were established, the interest coupons of which would be available to pay specie dues, a foundation in the nature of a specie value would be secured, and upon it might be reconstructed the sound financial policy with which we started. To effect this it is not only necessary to levy a tax payable in coin, and as such a tax would not be required to pay more than the interest, its amount would obviously be within the power of the government to collect. A loan of five hundred millions would be sufficient to reduce the currency to two hundred millions, and would require a tax of not more than thirty millions annually. Such a tax could be readily borne by the country, and if this were all that is required the remedy would be easy. But a simple reduction of the currency, while it would abate the existing evils, would not preserve the country from their recurrence. In twelve months the currency would again become redundant. It is necessary, therefore, that an absolute limitation shall be fixed upon issues. A guaranty must be given that the two hundred millions left in circulation shall in no event be increased; or, in other words, that whatever supplies may be necessary shall be raised by other means than by issues of treasury notes.

II. And this brings us to the consideration of the second point of our inquiry—to-wit: the raising of the necessary supplies.

It has already been stated that, if the currency could be reduced to two hundred millions, the annual money expenditure of the government could probably also be reduced to four hundred millions. This amount is proposed to be raised partly by taxes, and the remainder by an extension of the loan already proposed, say one hundred millions by taxes and three hundred millions by the loan. The returns to the tax act of August, 1861, have been completed for nine States; two more have been partly completed and can be estimated. The total values of property in these eleven States amount to four thousand two hundred and twenty millions of dollars. If we deduct from these values the conjectural value of property lost and in possession of the enemy, and add the increased rate of present prices, the valuation upon which a tax could be rated may be fairly set down at three thousand millions. A tax, *ad valorem*, of five per cent. on this value would nominally produce one hundred and fifty millions. Allowing an abatement of twenty per cent. for evasions, failures to make returns, expenses and contingencies, there would remain one hundred and twenty millions. A loan of one thousand millions would be sufficient to absorb the currency, and to furnish three hundred millions for supplies; and the interest of this loan would require one-half of the amount raised by the tax. This would leave the other half, or sixty millions, for the supplies; and to this would be added the proceeds

of the income and profit tax, payable after 1st January. A tax of this kind is so uncertain and so easily evaded that it cannot be estimated beforehand. It will, in no event, however, be sufficient to induce any change of other measures; and, therefore, we must rely for any deficiency upon that portion of the treasury notes which will be substituted for the old issues. The sixty millions, or one-half, which is to support the loan, if made payable in coin or in the interest coupons of the loan, will furnish the means as well for the interest for the seven hundred millions required for the currency, as of the three hundred millions to be applied for expenditure. In the same manner, by making further additions to the tax, the loan can be increased from time to time so as to consolidate the whole public debt; or, as the war continues, to obtain further supplies for carrying it on. By these means the credit of the government will be firmly established, confidence will be restored, and the embarrassments which now oppress us will be removed.

But, III., the measures to be adopted must be prompt and certain.

Delay in retiring the currency would aggravate all the evils which are in existence, by adding new issues to the mass already in circulation. Uncertainty as to the effect of the measures in withdrawing the excess would be equally injurious. No one would be willing to accept a loan which might again be depreciated by a redundant currency. Even with all the inducements which may be offered, and the caution which may be observed, the loan itself may not be taken in sufficient portions to secure the result. Voluntary loans have already been offered and have not been taken. It is, therefore, necessary to provide some mode which will absolutely secure the final result in any event; and this can only be done by providing compulsory measures for use as a last resort. The measures may be adjusted so as not to press upon the willing, while they merely compel the unwilling to take their just portion of the burthen. With these explanations, I respectfully submit the following measures as those which I would recommend for adoption:

Scheme Proposed.

1. That Congress forthwith authorize a loan of one thousand millions in six per cent. bonds, the principal payable in twenty years, the interest semi-annually; to be extended hereafter, from time to time, so as to consolidate the whole public debt.

2. That the Secretary of the Treasury be authorized to sell at par as many of the said bonds as will be sufficient to take up the outstanding currency, and to pay the appropriations made by Congress.

3. That deposits of treasury notes on account of the said loan may be received at the treasury or any of its depositories, or by commissioners to be appointed; said deposits to be in sums of one hundred dollars, or of which one hundred is a perfect divisor.

4. Certificates shall be issued for such deposits, which shall entitle the holder to bonds for the amount, with interest from the date of deposit. If the deposit be made in the month of January, the bonds issued for the same shall be exempt from the tax of five per cent. for the present year, hereinafter mentioned; if made in the month of February, they shall be exempt from one-half of the tax, and if made in the month of March, they shall be exempt from one-fourth of the tax. Officers, soldiers, and seamen, in service, shall be entitled to exemption from the whole tax for sums paid at any time before the 1st of April, 1864.

5. A tax of five per cent. shall be imposed on all property and credits (other than the new issue of notes hereinafter mentioned) which may be held on the 1st April next, to be paid on the 1st July; one-half in treasury notes, and one-half in coin or in the coupons of the bonds issued for this loan.

6. In case the coupons should advance in the market to a premium exceeding twenty-five per cent., any tax payer shall be permitted to pay his tax in treasury notes of the new issue, with twenty-five per cent. added.

7. Within six months a new and improved issue shall be made of two hundred millions of treasury notes in substitution for that amount of old issues, and all the old issues shall be cancelled, and the faith of the government is pledged not to increase said issues.

8. Notice shall be given to the holders of treasury notes (other than the said two hundred millions) requiring them to present their notes at the Treasury, or at some of its depositories, on or before the first day of April next, and receive payment thereof in bonds of the said consolidated loan; or, in default thereof, the notes not so brought in shall cease to be current or receivable at the Treasury for dues, but shall remain evidences of debt, payable by the Confederate States according to their tenor.

9. In the States beyond the Mississippi the time mentioned in the last clause shall be extended until the first day of July.

10. Six months more shall be allowed all holders of treasury notes to come in and register and verify their notes as demands against the Treasury and exchange the same for a certificate of debt; or, if they prefer to keep the notes, the name of the holder shall be endorsed thereon, after which the said notes shall be negotiable only by special assignment, and all notes not so registered within the said time shall be barred from any further claim on the government.

11. Any holder of a bond of the Confederate States may convert the same into one of the bonds under this loan—the eight per cent. bonds at par and the others at a proportionate rate—and the loan shall be extended so as to absorb all bonds which may be offered in exchange.

12. The interest coupons of this loan shall be held equivalent to specie in all future dealings of the government and shall be accepted in payment of any tax hereafter made payable in coin.

13. The faith of the government is pledged to make adequate provision for the payment of the principal and interest of the said loan, by the continuance of the tax mentioned in article five, until a census shall be taken, after which like provision shall be made by direct taxes or by duties on imports and exports.

14. The notes of denominations under five dollars shall not be affected by the provisions of this scheme.

It will be perceived that the measures proposed naturally divide themselves into two distinct characters—the one voluntary, the others involuntary. The former are deemed adequate to induce the voluntary aid of every good citizen. It cannot be considered a just objection that the others are added when such addition merely gives unity to the plan, and, like a tax execution, affects only those who are negligent or delinquent in performing a public duty.

The first class of measures, or those which induce voluntary action, are the following:

1. The offer of a loan on bonds, with interest coupons, receivable as coin or its equivalent.

2. The means by which this is effected—namely, a tax upon all values to be paid in coin or in the interest coupons of the said bonds.

3. The exemption of the bonds from the tax for one year in consideration of a prompt advance of the purchase money in anticipation of their delivery.

4. The reduction of the prices of all articles of subsistence and the permanent restriction of the volume of the currency.

The measures which are involuntary are chiefly two, which will be considered under the following heads:

5. A limitation of time beyond which treasury notes now in circulation shall cease to be receivable as currency and for public dues.

6. The registration of the notes as evidences of public debt.

1. And first as to the character of the proposed loan. It is intended to consolidate all the various forms of the public debt. Every holder of a bond, call certificate, or treasury note, may exchange his security for bonds under this loan. The treasury-note holder, for reasons applicable only to that kind of security, is required to make the exchange within three months from the 1st January. The bondholders are allowed their own time, or, if preferred, they may retain their own securities. It is hoped that the inducements offered will bring them all in.

The necessity which will be on each tax payer to find specie or the coupons of these bonds will induce him to invest part of his means in them. And the fact that the whole of the coupons will be required to pay the tax will create a demand which will impart to them a fixed value approximating to specie.

2. The means adopted to effect this result are the laying a tax upon all values, to be paid in coin or in the interest coupons of the said bonds.

A loan of one thousand millions would require a tax of sixty millions to pay the interest, and if such a loan could be relied on to supply all demands for money for the current year, no larger tax need be imposed. But it will be found that at least sixty millions more in addition to the existing taxes will be required. It is, therefore, proposed to levy a tax of one hundred and twenty millions, and to allow one-half to be paid in treasury notes, while the other half is made payable in coin or in the coupons of the said bonds. To raise this amount it has already been shown that a tax of five per cent. on all values will be required. This tax is laid at a date just twelve months subsequent to the tax of the present year. It is proposed to lay the tax equally upon every object of value, so that each person will contribute in exact proportion to his means.

The existing taxes, it is assumed, have been enacted with just relation to the income arising from real and personal property. The new tax, therefore, imposes a uniform duty *ad valorem* on all property. In doing so it encounters the objections which have been raised under the provisions of the permanent constitution against such a tax upon lands and negroes. It is contended that the provision which declares that no direct or capitation tax shall be laid unless in conformity with an enumeration which, by a previous clause, is directed to be actually paid within three years, prevents the imposition of any tax upon lands and negroes until the enumeration shall be made. The land and negroes in the Confederate States constitute two-thirds of taxable values, and if this objection prevail it would establish the surprising conclusion that all the States which ratified the constitution, while engaged in war which put at hazard the lives and fortunes of all their citizens and their own independence, excepted from the contribution to maintain that war the very property for which they were contending. Such a construction is manifestly erroneous and could never have been intended. The more consistent interpretation is that a principle was established which should operate as soon as the basis for its action was obtained. As soon as the enumeration could be taken there was to be an apportionment. But if an enumeration became impossible, then the tax must be laid according to the other rule of uniformity declared by the constitution. There is a general power to lay taxes which becomes subject to a special limitation as soon as an enumeration can be had. That enumeration is ordered to be taken within three years, but it is prevented from being taken by the presence of the public enemy. Under such a state of things the limitation must be considered as in suspense and the general power may be exercised. It seems to me, therefore, that the *ad valorem* tax is no infringement of the constitution.

In the present condition of the country, such a tax is more equitable and beneficial than any apportioned tax would be. The occupation of large portions of the States by the enemy would cast the whole quota of any State upon the unoccupied portions. The States which are in this condition would have the largest quotas to pay on account of their larger

representation, and thus the burden of the tax at present would be inverted. The greatest sufferers would be required to bear the heaviest burden. In either view, then, the *ad valorem* tax is greatly to be preferred.

The requirement to pay one-half the tax in coin or in the coupons of the consolidated loan will create in every tax payer a desire to possess these bonds. Just in proportion to the extent of his property will he have occasion for the bonds, and universal demand for them will be created by making the tax universal. Those who have small amounts to pay will purchase the coupons, as is now done with the fifteen-million loan. And an exemption being given to small property holders, there is but little danger from speculation or inability to procure a supply. All uncertainty on this point, however, is removed by the provision which authorizes payment in treasury notes, if the market price of the coupons should advance twenty-five per cent. premium. It is necessary to allow some advance in order to furnish inducement to purchasers of the bonds. It is believed that the range proposed will secure this object, while it afford sufficient protection to the tax payer from any combination of capital. The tax, therefore, while it induces large purchases of bonds by large property holders, is adjusted to the wants of those who are unable to purchase the bonds. It also offers the strongest inducements to holders of commodities to offer them for sale instead of hoarding for higher prices. They will perceive that, if they retain their commodities until the currency becomes contracted, it will require a much larger quantity of them to be afterwards sold in order to pay their quota of the tax.

3. The next subject of consideration is the exemption offered for an advance of the purchase money of the bonds.

The five per cent. tax is proposed to be laid upon all values held on 1st July, 1864, excepting the two hundred millions of new currency. The bonds to be issued for the consolidated loan are, therefore, included with all other bonds and securities. But the advantage to the public is so great from retiring the circulation promptly, that an offer of an exemption for one year from the whole tax on these bonds, is made to any person who will pay in treasury notes on account of the loan in the month of January; an exemption of one-half is offered those who will make such payment in the month of February, and of one-fourth to those who will pay in the month of March. It will not be practicable to deliver so large an issue of bonds within this period of time, and the exemption, therefore, not only compensates for the advance, but for the delay in furnishing the bonds. The officers and soldiers in the army being prevented by their duties from attending promptly to their private business, are allowed the privilege of the entire three months for profiting by the exemption. Any payment made by them before the 1st of April will entitle them to exemption from the tax on the bonds thereby purchased. On the 1st of April the privilege of conversion is taken away on this side

the Mississippi river, but it continues for three months more on the other side.

These measures, it is believed, will be sufficient to procure a prompt and active reduction of the currency. Each person in the possession of currency will thus be enabled to convert into bonds, based on specie values, notes, which at the time, cannot command more than one-fourth of those values. Those who hold commodities are in a still better condition to profit by the loan. A farmer may sell his grain for five times the ordinary price, and invest the whole amount in a bond payable, in twenty years, in specie, the interest coupons of which are available to discharge a liability to pay in coin.

4. There remains one other inducement to voluntary subscription yet to be considered—namely: the reduction of the price of subsistence, and the permanent restriction of issues of treasury notes.

The parties who are most likely to be the largest contributors to the loan are banks, manufacturers, railroad companies, and persons of capital. To all these in an especial degree, the establishment of the currency upon a permanent footing, is of the utmost value. No such permanence can be had if new issues are continued. A restriction which keeps the currency within just bounds increases the value of every railroad fare; adds to the rate of interest; reduces the price of all labor and subsistence, and restores confidence and stability to all transactions. The amount at which the currency is to stand is set down at two hundred millions. This is about twice the amount required before the war. It is supposed that the large amounts which are suspended in the hands of public officers and in transit, will call for a much larger amount of circulation than in time of peace. Moreover, after so large an expansion, it would be unwise to contract the currency in a compass as small as its natural bounds. In order, also, to prevent the evils incident to too rapid a contraction, it is proposed that the two hundred millions of new currency shall be issued from time to time during the period of contraction, and only in substitution of that called in; so that when the 1st of April shall arrive, at which time the old circulation shall become uncurrent, there may be a new currency to take its place. It may be added that if the contraction should become too stringent the banks will be able, and will probably find it expedient to relieve the pressure by the re-issue of their own notes.

Such are the inducements which are offered to recommend the consolidated loan to public favor. They are so large and beneficial that they will, in all probability, secure its success. Unfortunately, the consequences of failure are so perilous to the public welfare that nothing can be left at risk. Even the time which will be consumed in the effort to procure voluntary subscription cannot be recovered in case of failure. The measures of prevention must, therefore, accompany the invitation to

voluntary action. They will be harmless and inoperative if not required; absence of them would be ruinous, if the occasion for them should arise.

5. We come, therefore, next to consider the measure which limits the time within which the notes must be brought in for redemption, or be debarred the privilege of being circulated as currency or received for public dues.

It cannot be denied that this provision infringes upon two of the rights which are created by the contract. The note itself is a simple promise to pay a sum of money two years after a ratification of a treaty of peace. The promise being to bearer, the note, by operation of law, became negotiable by mere delivery. Its currency as money is, therefore, not a part of the express contract, though it was clearly implied; and Congress has constantly refused to make the currency of the notes obligatory by rejecting every proposal to make them a legal tender. Interference, therefore, with this portion of the contract, affects no right of the people as between each other; it is, without doubt, however, a direct interference with the contract implied between the government and the holder, when the note was taken. Besides this, there is a direct infringement of the express contract of the government to receive the notes in payment of public dues.

These positions being clear, upon what ground is it justifiable to pass them by?

Let us consider the measure which it is proposed to adopt. The government has provided a fund as nearly equal to specie as is within its power. It advertises that it will pay every treasury note from this fund, if presented within ninety days; and it is only in case of default, that it postpones the acceptance of the notes until after the war. Test the principle by supposing the payment was actually to be made in coin. Suppose the government should advertise in the same form, and should actually pay every holder who came in. Would it be deemed unjust to postpone those who refused to come in and accept payment? Could the government in such case be justly charged with the want of good faith? and, if not, then the question becomes one not of good faith, but of the difference of value between bonds payable in specie with interest coupons received as specie, and specie itself. In the worst possible view, it is only an offer by a debtor, to pay down his debt in the best securities he has, or to postpone the actual payment until better times; and such an offer has never been deemed inconsistent with justice or honesty.

The reasons which induce the measures proposed, will, it is believed, present a complete justification of them.

1. The first which will be considered is that unless the action proposed or something similar to it be immediately taken, the value of the notes will be extinguished. The country is engaged in a war which involves the security of all property and the safety of every family. To carry it

on it has been obliged to issue notes, and unless a substitute is immediately found, the continuance in this course will destroy the value of every note already issued. The measures proposed are intended to save the notes, and nothing short of them will have that effect. If some other mode could be devised, if a tax, or any other means of relief could be found, it would be preferred. But they are all inadequate, and the government finds itself unable to comply with the letter of its engagement. It endeavors, then, to comply with its spirit. It tenders the creditor payment of its debt before it is due in a security of greater value. It gives him time to accept the payment, and, if he should prefer to retain the obligation, it allows the alternative upon the simple condition that he shall forego the privilege of demanding payment until after the war. It does exactly what an honest debtor in distress is bound to do, it recognizes its debt, offers the best security for payment in its power, and asks for time. This, in plain terms, is the proposal of the government; and if it were the case of an individual, his creditors would meet, and, as a body, would accept his offer. In the case of the public the creditors cannot meet. But they have representatives who can. The Congress represents the people as well as the government, and, although it may be difficult to act for both parties, yet it is not difficult to ascertain the claims of justice, and Congress is the proper tribunal to adjust them. Their judgment in the matter should stand as a compromise between the parties.

2. The next reason which will be considered is, that the continuance of the notes as a circulating medium to their present extent, involves the ruin of public and private credit, and will deprive the government of the means of defending the lives and property of its citizens. If the currency remains in its present expanded state, no measure of relief can be made effectual. Prices must advance, and the means of the government to pay these prices must daily loose efficiency. Taxes become fruitless, by reason of the depreciation of the money. The army can neither be paid, clothed nor fed; arms and munitions of war can no longer be supplied; the officers of the government cannot be supported, and the country must succumb. Calamities so disastrous must certainly be averted by every means within the power of the government. No contract, however solemn, can require national ruin; and, in such case, the maxim must prevail that the public safety is the supreme law.

The objection to these measures of compulsion is greatly modified by the certainty that but a small portion of the notes will be brought under their influence. The inducements to the loan are so many that the greater part of the currency will be voluntarily converted; and the true question is, whether the fraction which remains shall be permitted to gain an undue advantage over the rest, and to defeat the greater public interest, which are involved in the withdrawal of the entire amount.

These measures, it will be perceived, contemplate a permanent financial policy, capable of expanding to suit the future wants of the govern-

ment. It is obviously, therefore, of the utmost importance that the ultimate payment of the bonds now issued, and of those which may be added, should be completely secured. Confidence is one of the largest elements which enter into public credit, and in this case the means are at hand to secure it. The South is in possession of products which are desired by the whole world.

For at least five years after peace, the demands for these products will probably so far exceed the supply, that a duty on exports would fall upon the consumer. For the five years following, the usual contest between producer and consumer will possibly divide the burthen; but the necessities of the country offer a controlling reason for the continuance of the duty. To this may be added a certain portion of the duties on imports; and the two together, if now pledged to a sufficient extent, would provide an adequate security for the payment of the debt. Assuming that, when trade is re-established, we shall have the same products to export, and, in a few years thereafter, the same quantity to sell, our exports and imports may each be set down at three hundred millions. Any export duty of ten per cent. on all products of the field and forest would, upon this assumption, produce thirty millions annually; and, if an equal portion of the duties on imports be added, the aggregate would be sufficient to pay the whole interest of the debt. If Congress would now pass a law to this effect, as it is perfectly competent to do, the public credit would instantly revive, and probably to such a degree as to render inoperative the measures of constraint which have been recommended.

The guaranty which it would afford to the bonds of the consolidated loan, would induce a prompt exchange for them of all other securities, except, probably, the fifteen-million loan, which is already protected by a similar pledge. An exchange of the one-hundred-million loan will, of itself cause an annual saving of $2,000,000, and, if to this be added the saving which would be made on other portions of the public debt, the sum total will be about five and a half millions. The annual saving of this sum certainly presents another strong inducement to the immediate enactment of the proposed law.

Such a law would still leave unpledged such other taxes and import duties as it may be found expedient to levy, and which will furnish a sufficient and appropriate means of supporting the government, and of discharging the principal of the public debt.

Thus a system of properly adjusted measures would be set in action, which would secure the public credit, and enable us to carry on the war with energy and success.

In case, however, there should be any doubt as to the efficiency of the plan in raising the supplies required for the ensuing year, two further measures of relief may be added. It is possible that the severe contraction attending a reduction of the currency to two hundred millions, may limit the sale of the bonds after the effect of such contraction shall be

fully felt. It may, on that account, be necessary, for a time, to sell the bonds below par, to supply any deficiency in the means of the Treasury. I would, therefore, suggest as a measure of precaution, that such a power should be granted to the Secretary of the Treasury. Another measure of similar character could be provided by authorizing certificates of indebtedness, payable after the war, to be issued in part payment of supplies necessary for the army. It is not probable that either of these measures will be required. Still it is a wise precaution that they should be provided for any case of necessity.

The large issue of bonds which is called for by these measures, together with the new issue of treasury notes, present a field of labor amply sufficient to occupy the attention of another bureau officer. I would respectfully renew the recommendation heretofore made of establishing a separate bureau for the issue of bonds and notes, and for taking charge of all the arrangements connected with such issues.

The number of coupons which will be required is so great that unless they are allowed to be prepared by machinery the delay in getting out the bonds will be very great. The same difficulty attends the notes issued as currency. The number of persons who are necessarily employed to sign notes renders the signatures of no value in detecting counterfeits. No one can become acquainted with all the signatures, and but few of the officers know even the names of the signers. The genuineness of each note must be determined by the plate and not the signatures. I renew, therefore, my recommendation that the notes and coupons may be issued with engraved signatures, under such precaution as experience may advise.

In connection with this subject I would respectfully bring to the attention of Congress the inequality which has arisen between the bonds and registered stock of the fifteen-million loan An export duty on cotton was imposed to pay the principal and interest of this loan, and the coupons of the bonds were authorized to be received in payment of that duty. The registered stock, having no coupons, did not enjoy this advantage, and the result has been a difference of as much as fifty per cent. between the two portions of the same loan. This inequality can be remedied by authorizing the Secretary of the Treasury to cause checks to be issued for the interest as it accrues semi-annually upon the stock, and allowing these checks to be received for the duty in the same manner as the coupons. It will be necessary to add a few precautions for preventing the frauds and forgeries to which such checks would be exposed, all of which could be adjusted by regulations of this department.

The report of the Commissioner of Taxes, herewith submitted, will exhibit the details of the war tax of August, 1861, and of the taxes the present year, as far as progress has been made. The tax of 1861 had been actually collected from the people in only three States—South Carolina, Mississippi and Texas. In the other States the tax was paid by the State governments. Assessments were actually made in only ten of the States,

and the results are exhibited in the schedules annexed to the report. The total value of the property assessed is four thousand two hundred and twenty millions, of which real estate is set down at one thousand three hundred and ninety-three millions, and slaves at one thousand four hundred and eighty millions. The total amount of the tax assessed is $21,142,662, of which $19,418,393 have been collected, leaving a balance uncollected of $2,044,275. Of this balance $705,233 is absorbed by an unadjusted difference in assessment claimed by the State of Tennessee, and a large portion of the remainder is due in counties overrun by the public enemy. The amounts actually collected have been paid over by the collectors with commendable exactness and punctuality.

The tax imposed at the last session of Congress is now being rapidly collected. From present appearances the Commissioner estimates its probable collections at one hundred millions in money, and he reports that it is paid with general cheerfulness and alacrity. The novelty of many of the provisions of the law has given rise to questions which are presented in detail in the report of the Commissioner, to which I respectfully invite your attention.

The report of the chief clerk for the produce loan and agency for the purchase of cotton and tobacco, herewith submitted, will exhibit the details of that branch of the department.

The general results are, that the whole amount of subscriptions realized from the produce loan is $32,758,875, and that there yet remains uncollected about $12,268,080. This is a large proportion of the whole amount, and the greater part is probably due from persons whom the calamities of war and the destruction of property have deprived of the means of meeting their engagements. There are many others, however, who may have been tempted by the high prices to neglect their engagements, and to reach these it is proposed by the chief clerk to publish the lists in the neighborhoods where they were subscribed. The measure is submitted for the consideration of Congress.

The purchases of cotton made under the act of April 30, 1863, amount to 399,753 bales at the date of the reports last received at a cost of $30,314,769. The average price paid was $16.85 per pound, exclusive of Sea Island cotton; the lowest price being 6½ and the highest 36½; and five-sixths of the entire purchase money have been paid in bonds. The difficulty of procuring reports in detail from the agents in Louisiana, Mississippi, Arkansas and Texas, has prevented a precise return of the cotton which has been destroyed; but from the estimates made by each of them it may be assumed that the entire loss is not more than 30,000 bales. To this must be added several thousand bales used for military and naval defenses; and also several thousand more turned over to the ordnance and quartermaster's departments to fulfil contracts for supplies, and also for shipments made by the Treasury Department. The whole of these deductions may be set down at 70,202 bales, leaving on

hand an aggregate of about 329,500 bales. Of this amount about 30,000 bales are stored in warehouses in cities, and the remainder in cotton houses on the plantations where they have been purchased.

The time which has elapsed since much of this cotton was purchased has damaged the rope and bagging of a portion thereof; and the aid of Congress is asked in procuring the means of renewing it. I had hoped that the skill of our people would discover a substitute for rope and bagging, and probably an offer of a reward for the best plan would produce beneficial results. If resort must be had to foreign supplies, the plan, which may be adopted to ship the cotton, will furnish the means of importing the rope and bagging, and in either view, it will be necessary to make an appropriation to cover the expense.

The amount of tobacco purchased is two thousand and ninety hogsheads, costing $772,846, at an average of twenty-nine cents per pound. These various purchases have nearly exhausted the appropriation of thirty-five millions made by the act of 20th April, 1863. In order to meet the objects stated in other reports, if these objects are approved, it will be necessary to increase the stock in the hands of the government by an additional appropriation of at least the same amount heretofore appropriated.

The collection of the tax in kind on cotton and tobacco has been deemed so germain to the business of this branch of the department, that I have made arrangements for uniting them. Wherever cotton is collected it is to be turned over to the chief agents already appointed in each of the cotton States. The same plan is pursued with tobacco, and I have appointed chief agents in the States of Virginia and North Carolina, at a commission with a maximum limit of four thousand dollars per annum. These agents are to appoint subordinate agents in each county for the purpose of receiving, sorting, prizing and preparing the same for market. The details of these processes require much care and attention, and the constant supervision of a competent officer. It appears also that the parcels should not be delivered as early as the month of March, as now required by law, and it will be, therefore, proper to extend this period. The compensation of these subordinate agents has not yet been adjusted, owing to the department not having sufficient information as to their duties.

The cotton interest bonds will naturally fall within the management of this division of the Treasury Department, and it is proposed that they shall take that course. It is not clear what was the design of Congress in authorizing these bonds. The first law passed was in connection with the funding act, and the coupons were thereby made payable at the option of the holder of the bond in coin, or cotton valued at eight pence sterling per pound. The object of this law was obviously to provide means of raising money abroad; and after it was passed I recommended that the rate at which the cotton was to be taken should be reduced to

six pence, or the average price at Liverpool before the war. At this rate purchasers could have been procured at any time before the fall of Vicksburg.

The amendment which was made to the law by Congress reduced the price as proposed, but shifting the option of being paid in cotton from the purchaser to the government This converted the bond in the view of a European purchaser into a simple six per cent. money bond, with the interest payable here. The absence of the right to require cotton for the bonds took away their availableness in the foreign market. On the other hand, the option which they allowed the holder to receive cotton at six pence, when it was selling at three or four times that price, made the operation very unfavorable for the government, unless the bonds were sold at a large advance. For this reason I deemed it my duty, after due explanation of the nature of the bonds, to advertise for bids; and as an experiment I accordingly offered five millions. The bids ranged at various rates from par up to one hundred per cent.

I accepted all the bids at and over fifty per cent. premium, and issued a second advertisement. The bids which were offered in both cases, were far below the amount of bonds offered for sale. But those bids which came from persons of known intelligence and patriotism, indicated that fifty per cent. was the probable value of the bonds. I, therefore, adopted that rate, and authorized sales to be made accordingly. These sales have been made to a very limited extent, chiefly because it was believed that the blockade would prevent the shipment of any cotton to be received in payment. This impediment was so serious, that, in the judgment of men of business, even a reduction of the price of bonds to par would not induce large sales.

The scheme of finance hereinbefore proposed, will, if adopted, render unnecessary any other effort to call in the currency. These cotton bonds will, therefore, not be required for that purpose, and, as they are not available to raise funds abroad, I recommend that the law authorizing their issue be repealed.

I must again ask your attention to the necessity of increasing the compensation of the treasurer, assistant treasurers, depositaries and clerks attached to each of them. Each of these officers discharge the duties of a bank, and its officers must have qualifications which would fit them to discharge like offices in banks. Such qualifications cannot be commanded unless at the same rate of compensation paid by banks. Congress has limited the salary of a teller in these offices to $1,200, where $3,500 is paid for like services. The result is, that the government cannot procure competent men to do its work. With the higher officers the difficulties are greater. Several of those in office desire to retire, and it has been found impracticable to procure competent successors. These embarrassments are greatly increased, when we come down to the rank and file of the clerks. The amount of their salaries does not furnish

them with support, and it is distressing to know the suffering which some of them encounter. I trust that the measures recommended for the relief of the currency will remedy the evil; but, until these measures can be brought into action, these clerks will be sadly straightened to support themselves and their families. I would, therefore, respectfully recommend, as a temporary means of relief, that they be allowed to draw from the commissary's stores in the same manner as if they were detailed on duty in the army.

The various estimates and schedules, which contain details of the general statements above made, are hereunto appended, together with a report of the proceedings of a convention of banks at Augusta, Ga., which I have been requested by it to submit to your consideration.

All of which is respectfully submitted.

C. G. MEMMINGER,
Secretary of the Treasury.

CONDITION OF TREASURY, APRIL 1, 1864.

TREASURY DEPARTMENT,

CONFEDERATE STATES OF AMERICA, *Richmond*, May 2, 1864.

Hon. Thomas S. Bocock, Speaker of House of Representatives:

SIR,—I have the honor to submit the following report of the condition of this Department on the 1st of April, 1864:

The receipts into the Treasury for the two quarters ending on that day are as follows:

4 per cent. call certificates, act March 23, 1863	$ 1,343,000 00
4 per cent. coupon bonds, act March 23, 1863	40,473 90
4 per cent. registered stock, act February 17, 1864	250,000,000 00
5 per cent. call certificates, act March 23, 1863	38,812,500 00
6 per cent. bonds and stocks, act March 23, 1863	12,043,000 00
7 per cent. bonds and stocks, act February 20, 1863	2,361,300 00
8 per cent. registered stock, act May 16, 1861	190,100 00
8 per cent. bonds, act August 19, 1861	26,650 00
8 per cent. bonds and stocks, act February 20, 1863	2,194,600 00
6 per cent. cotton interest bonds, act April 30, 1863	6,160,000 00
Premium on same	2,815,000 00
War tax	59,406,724 01
Treasury notes	265,690,928 50
Sequestration	3,000,787 37
Repayments by disbursing officers	42,772,222 42
Customs	441,094 32
Overseers' exemption and tax on non-combatants	595,036 95
Export duty on cotton	14,322 50
Patent fund	26,957 00
Interest on loans	4,208 71
Deposited under 12th section act Feb'y 17, 1864, by States,	471,300 00
Deposited under eighteenth section act February 17, 1864	367,600 00
Miscellaneous	2,615,475 55
Total	$691,393,281 23

The expenditures during the same period are as follows:

War Department	$238,572,374 25
Navy	10,853,723 27
Customs	26,325 93
Civil, miscellaneous, and foreign intercourse	5,611,299 00
Public debt	128,046,836 59
	$383,110,559 04
Balance in Treasury	$308,282,722 19

This balance is made up as follows:

Notes funded and on hand for cancellation	$250,000,000 00
Notes returned by disbursing officers	42,000,000 00
Balance cash in hand, about	16,000,000 00

The public debt on the 1st April, 1864, was as follows:

FUNDED.

Act February 28, 1861, 8 per cent		$ 15,000,000 00
Act May 16, 1861, 8 per cent		8,891,700 00
Act August 19, 1861, 8 per cent		100,000,000 00
Act April 12, 1862, 8 per cent		3,182,850 00
Act February 20, 1863, 8 per cent		95,763,700 00
Act February 20, 1863, 7 per cent		66,318,550 00
Act March 23, 1863, 6 per cent		11,646,200 00
Act April 30, 1863, 6 per cent		8,393,000 00
To which must be added the following call certificates outstanding, to-wit:		
Act December 24, 1861, 6 per cent	$40,439,170 00	
Act March 23, 1863, 4 per cent	1,825,000 00	
Act March 23, 1863, 5 per cent	72,074,100 00	
		114,338,270 00
7.30 interest-bearing treasury notes		99,996,400 00
Total		$523,530,670 00

UNFUNDED.

Act March 9, 1861, interest notes $3.65	$ 534,500 00
Act May 16, 1861, two-year notes	8,204,575 00
Act August 19, 1861, general currency	154,356,631 00
Act April 17, 1862, denomination $1 and $2	4,516,509 00
Act October 13, 1862, general currency	118,997,321 50
Act March 23, 1863, general currency	511,182,566 50
Total	$797,792,103 00
From this is to be deducted the amount of repayments of old currency by disbursing officers, and also the amount of notes received for 4 per cent. certificates, which are in the Treasury awaiting cancellation	292,000,000 00
	$505,792,103 00

The balances of appropriations not drawn on 1st April, 1864, were:

War Department	$502,329,110 21
Navy Department	33,046,775 79
Civil and miscellaneous, including customs	72,865,683 39
Total	$608,241,569 39

The estimates submitted by the various departments for the support of the government to the end of the calendar year, say 31st December, 1864, are as follows:

Legislative	$ 245,625 00
Executive, salary of President, etc	37,350 00
Treasury Department	22,508,462 50
War Department	483,131,598 00
Navy Department	10,059,923 78
State Department	44,914 00
Department of Justice	347,991 58
Postoffice Department	165,583 40
Total	$516,541,448 26

The foregoing statements show that the estimates in December last for the six months ending July 1, 1864, are greatly beyond the requirements of the government. It appears from them that the whole expenditure for all branches of the government for the six months ending April 1, 1864, amounted to $255,563,722, and that the unexpended balance then standing to the credit of appropriations was $608,241,569. The anticipated tax upon the currency, which was to accrue on the 1st of April, doubtless kept back requisition for debts accruing since the 17th of February, when the tax act was passed. It would be proper, therefore, to add, for this item, about seventy-five millions to the expenditure. The total expenditure for the six months would then be about three hundred and thirty millions, and the balance to the credit of undrawn appropriations would be about $523,000,000.

These figures establish the conclusion that the money appropriated for the six months ending July 1, 1864, will not be required, and that the excess may be applied to diminish the appropriations required for the six months ensuing the 1st of July, 1864. It appears that the monthly expenditures, at the outside, average about fifty-four millions, and consequently for the three months to ensue from April 1 to July 1, 1864—

The proper expenditure of those three months would be	$162,000,000
But to this must be added the item already explained of amount of debts suspended on account of the anticipated tax on the currency, say	75,000,000
This aggregate	$237,000,000
Deducted from the total balance of undrawn appropriations	608,241,569
Leaves this balance	$371,241,509

available for expenditures for six months beyond July 1, 1864.

It should further be observed that the estimates submitted by the departments are made with relation to the present rate of prices. If that rate can be reduced a corresponding reduction could be made in themselves.

The first and most important inquiry, therefore, is as to the probability of a reduction of prices. All the financial measures proposed to and adopted by the last Congress looked to this result. The scheme offered by the Secretary of the Treasury and that adopted by Congress both sought by different means to effect the same object. Which of the two would have proved most successful it would serve no useful purpose to consider. It is the plain duty of the government to execute the scheme adopted by Congress, and every effort has been directed to its successful prosecution. It is yet too early to perceive all the results which it will effect, but it is quite clear already that the reduction of the currency which it will produce is great and decided.

On the 1st of April, when the reduction was to commence, the whole issue of general currency (represented by the treasury notes bearing no interest) amounted to about eight hundred millions. Of this amount fifty millions were probably at the credit of the different disbursing officers throughout the Confederacy, leaving seven hundred and fifty millions as the actual circulation. Of this amount, about two hundred and fifty millions have been funded east of the Mississippi; and it may fairly be presumed that fifty millions more will be funded west of the Mississippi; thus leaving in circulation four hundred and fifty millions. The depositaries were directed to discriminate in their reports between the notes of one hundred dollars, and those under one hundred which have been funded. Only a few of them have made reports in which this direction have been complied with, most probably from want of time to separate notes. But those few are in the cities where the hundred dollar notes would be likely to accumulate. They disclose the remarkable fact that less than one-half, in some cases not more than one-third, of the notes funded are one hundred dollar notes. It may be assumed, therefore, that not more than one-half of the whole amount funded consists of one hundred dollar notes. By the terms of the currency act, these notes are thrown out of circulation after April 1st, and are taxed ten per cent. per month until extinguished. It is important, therefore, to ascertain the amount of those now outstanding.

The whole amount of one hundred dollar notes, issued to the 1st of April, 1864, was three hundred and eighteen millions. It is probable that of the fifty millions of dollars remaining at that date to the credit of disbursing officers, a large proportion is represented by these notes, say forty millions, thus leaving two hundred and seventy-eight millions of them in circulation. Deduct from this sum one-half of the total amount funded, which, as already stated, consists of one hundred dollar notes to wit: one hundred and fifty millions, and there are left unfunded one hundred and twenty-eight millions of these notes. This sum, therefore, constitutes that remainder whose amount we have been seeking, and is to be deducted from the four hundred and fifty millions left as the entire circulation after the funding. The result is that the whole currency

would then stand at three hundred and twenty-two millions. Deduct from this balance the tax of one-third which is imposed by the currency act, and the actual currency left in circulation is two hundred and fourteen millions and a fraction.

It is only necessary for the public mind to apprehend fully this state of things, and it would seem impossible to avoid a great and sudden fall of prices. This fall has been checked by the unfortunate feature of leaving the five dollar notes current. Sellers, particularly of necessary articles, have had the excuse of demanding an indemnity for the future tax on these notes; but the time is at hand when they will share the fate of other notes, and the entire old currency must disappear. Another reason which has checked the reduction of prices of articles of prime necessity is the exoneration of the planting and farming classes from taxes. They have thereby been enabled to retain their products. But when the whole scheme of Congress shall go into full operation, say 1st of July, the reduction of currency will be so great that it is scarcely possible that prices can be maintained at existing rates.

The conclusion, then, seems fair, that if the currency can be restrained within the limits to which it has been reduced the estimates called for by the departments may be greatly reduced. This result will depend upon the extent to which the new issue of treasury notes is carried. The law directs the issue of two dollars of new notes for every three dollars held in private hands, with the exception of one hundred dollar notes and notes under five dollars. It also authorizes the Secretary of the Treasury to issue in the same manner two dollars for every three dollars received at the Treasury, under the provisions of the currency act. Assuming the figures above stated as probable estimates of the result of funding, the amount of new currency to be issued for exchanges with private parties will be $214,000,000; and the issues authorized to be made for the use of the government would amount to two-thirds of $300,000,000, or $200,000,000. The aggregate of these two would carry up the currency again to $414,000,000. This amount is more than twice the sum which in previous reports I have shown to be requisite for the entire circulation. With such an expansion prices could not be expected to fall to the proper standard, and the conclusion seems inevitable, that one or other of these sources of expansion must be restrained. The currency act has distinctly guaranteed to the holders of currency the right to receive new issues upon the abatement of one-third from the old, and this right cannot justly be impaired. It should only be dealt with, therefore, by offering to the holders of these notes a security which they might prefer to the new issues. Possibly, this might be done by giving them an option to exchange their notes for four per cent. bonds free from taxation. This freedom from taxation would be an equivalent for the reduction of one-third, to which their notes had been subjected, and if

this plan were accepted equality between these holders and those who had already funded their notes in four per cents. might be restored by granting them the privilege of exchanging their per cent. taxable bonds for untaxable at a reduction of one-third. The compensation to the Treasury would be found in the amount which would thereby be paid in money, instead of four per cent. bonds, for the taxes of the present year.

This arrangement, however, with individuals, if left as it should be, to their choice, would be beyond the control of the government. The other source of issue—namely: that by the government, is the one which is under its complete control. It is the restraint of this alone which will enable it to prevent a new redundancy of circulating medium. It, therefore, becomes an inquiry of vital importance to ascertain how far this restraint can be carried. Obviously, it depends upon the extent and availability of the other means furnished by Congress for supplying the demands of the government.

The means which have been already provided by Congress (over and above the issue of new treasury notes) are three—namely: The sale of $500,000,000 of six per cent. bonds, certificates of indebtedness and taxes.

1. The six per cent. bonds authorized by Congress offer so desirable a security, that it may be reasonably expected that they will be taken up to the full extent of the available capital of the country. The mechanical arrangements required for the issue of bonds with so many coupons will delay their issue until the month of May. In the meantime, to support the government during the month of April, and to pay off the accumulation of public indebtedness, which arose from the indisposition to accept payments in old currency, since the passage of the currency act, it became necessary to exercise the authority to issue new treasury notes. At the date of this report, $38,000,000 have been issued, and $10,000,000 in $500 notes are prepared for issue, and this issue must be continued until the bonds can be sold. They have already been advertised, and will be offered for sale early in May, and it is hoped that the proceeds of their sale will supply means for supporting the government, without resorting to the authority to issue treasury notes.

2. The next means of supply provided by Congress is through certificates of indebtedness. These certificates offer another desirable security, and would seem to be peculiarly available for making purchases. They are payable in specie two years after peace, and bear six per cent. interest. It is of the utmost importance that the various purchasing officers of the government should use these certificates instead of calling upon the Treasury for new issues of notes. It is so much easier, however, for both buyer and seller to deal in notes, that the temptation to call for them is invincible, and can only be restrained by an absolute refusal to furnish them. The experience of this department has shown that an authority given to it to issue treasury notes as an alternative for bonds, results in compelling it to furnish the notes, whatever may be its own opinion as to

the inexpediency of the issue. It is in this way that the late redundancy of the currency was produced. As far back as May, 1861, when the first issue of bonds and treasury notes jointly was authorized, the Secretary used every effort in his power to induce the various purchasing officers to make use of bonds instead of treasury notes. This effort was continued under the act of August, 1861, and he even ventured upon the compulsory method of holding back his warrants on requisitions, unless bonds would be accepted instead of treasury notes. The pressure, however, for the notes became so great that he was unable to resist it. In these circumstances, he distinctly presented to Congress the evils which must follow the expansion thus produced, and during the session of September, 1862, urged upon them to take immediate measures to absorb the redundant currency. Embarrassed, as Congress then was, with supposed constitutional difficulties in the way of levying a tax, a large forced loan was the only alternative which could be offered. Tish alternative was rejected; and it was not until April 24, 1863, that a tax adequate to the wants of the country could be imposed, and this tax was so complex and intricate, that its collection could not be fairly set in action until the following October. The only tax laid before this was the war-tax of August, 1861, of one-half of one per cent. on property; and small as this was, all the States except three intervened, and paid the amount due by their respective citizens by the issue of their own securities. Even under this pressure, the government succeeded in effecting a foreign loan of $15,000,000, at a time when the Northern government, with all its resources, and with a commerce open to the whole world, was unable to effect one. If the Treasury Department had been permitted to apply this money to the support of the currency, its excessive issue and consequent depreciation would have been postponed, if not prevented. But the pressing demands of the government for munitions of war, and for expenditures abroad for the army and navy, consumed the entire proceeds of the loan. An effort was then made to combine the credit of the individual States with that of the government, with a view to procure further means to call in the circulation. That effort failed to receive the support of some of the States, and before that support could be propitiated by further efforts, military reverses put an end to all hope of present relief from foreign loans In the meantime, many of the States entered upon the same field of credit, issued large amounts of bonds and treasury notes, and the result was that expansion which has just been remedied, and which ought not to be permitted to recur.

The financial measures adopted at the last session of Congress have given the country a new starting point. The currency is once more brought within bounds, and it is most earnestly urged upon Congress so to fence around those bounds that they cannot be passed. This can only be done by a careful revision of every appropriation, and by admitting only such as are absolutely necessary, by a steady refusal to increase the

volume of the currency, and by providing sufficient other means to meet the appropriations which shall be made.

3. This brings us to the consideration of the remaining means of supply which have been supplied by Congress—namely: taxes. This source of supply is in fact the foundation of all the others; without it they cannot be sustained. Two kinds of taxes have been provided, those in money and those in kind. The money taxes to be paid during the current year have been devoted by Congress almost entirely to the support of the currency. The tax-payers are allowed to pay their taxes with the four per cent. bonds and certificates, in which the currency has been funded. It is presumed that every taxable party has supplied himself with bonds to the estimated amount of his tax; and if there be cases of deficient provision, doubtless they will be supplied from surplus amounts funded by others, and offered for sale in the market. It is probable, therefore, that no material aid will be derived by the Treasury during the present year from any taxes but those in kind.

This seems to be an unfortunate feature in the tax act. Payment into the Treasury of treasury notes is a necessary instrument to their proper circulation. Without the aid of such an instrument, the currency of the notes depends entirely upon consent. They are deprived of one of the essential elements of value—namely: general demand. The new notes, not being required to pay taxes until next January, lose this valuable incident during all that interval, and must obtain currency entirely from the good will of the community. Another equally serious difficulty arises from the same cause. The planting interest, whenever it is beyond the reach of the enemy, is prosperous and can contribute to the public wants as largely as any other. The tax law requires from it a tax in kind of ten per cent. on its annual produce, and of five per cent. on capital; but it allows the tax on the produce to be set off against the tax in money, and it ensures the extinguishment of the money tax by valuing the produce at its present price, while the capital is valued at prices of 1861. It follows that the planters are relieved from any necessity to provide themselves with treasury notes, and may withhold from the market their produce at pleasure. It follows, also, that the prosperous are favored with a discount, while the unfortunate, whose farms have been desolated, are required to pay upon the value of their capital without any relief from crops. It would seem more just to reverse such a rule, and to require a larger contribution from those whose property has been protected at the expense of the others.

Proceeding on the same general grounds, the tax act further exonerates from the income tax of the present year, all property upon which a capital tax shall be paid; but it makes no such discrimination in assessing the capital, as is made in favor of agricultural property. All property and income, not agricultural, is assessed at present rates. In another connection, I will invite your attention to the injustice of these inequali-

ties. My object now is to induce a reconsideration of this portion of the tax act.

It has already been shown that, as the act now stands, no pecuniary aid is afforded to the Treasury during the present year, and that unless sufficient supplies shall be derived from sales of bonds and from certificates of indebtedness, there will be nothing left but a resort to new issues of treasury notes. It is therefore of the utmost importance to call into requisition every possible means of preventing such a calamity. The taxes offer the most appropriate and efficient means, and can be made to contribute largely by simply repealing so much of the tax act as allows income taxes, whether in kind or in money, to exonerate from the tax on capital. The tax of ten per cent. on the planter's income leaves him an abundant surplus for his support, and, if justly considered, is greatly less than the tax which other interests are required to pay on capital. Let the two be compared, and this will at once be manifest. As a general rule, the interest of money represents the usual income of capital. A tax of ten per cent., then, on the income of one hundred dollars would amount to sixty cents, while a tax of five per cent. on the capital would be five dollars. It will be said, however, that the tax in kind, being upon gross products, must be rated at more than the net income or interest on other property. Let this be admitted, and assume that the tax on gross income is double the amount of a tax on net, and we still have the inequality of five dollars against one dollar and twenty cents. But when to this inequality is added that produced by assessment, at the two rates already explained, the inequality amounts to injustice. The proper remedy for the whole is to be found in an equal tax upon all capital and upon all income at the same basis of assessment. The present system of taxation is so cumbrous and intricate, that delay and disappointment will be its inevitable results; and whenever another tax bill is framed, I would renew my former recommendation, and urge that it be a simple tax upon property and incomes. At present I will limit my recommendation to the repeal of the following provisions of the last act:

1. That which allows the value of the tax in kind to be deducted from the tax of five per cent. on agricultural property.

2. That which repeals the income tax for the present year on incomes derived from property taxed as capital.

3. That which discriminates as to the date to which assessments are to have reference.

The taxes in kind, levied by the last tax act, appeared to me to embrace (and with much propriety) another subject matter—namely: gold and silver in the form of coin, gold dust or bullion. Some embarrassment in reaching this conclusion was experienced from apparently conflicting provisions of the tax and assessment acts. The latter directed coin to be assessed at its value in Confederate treasury notes, unless otherwise provided in the law imposing the tax. The former act placed in one and the

same class, coin, gold dust and bullion, and imposed a tax of five per cent. upon the "amount." The word "amount" as to coin was susceptible of two meanings—namely: the sum stamped thereon, and the actual quantity of metal. The other members of the class were free from this ambiguity, and could only be rated by quantity. It seemed to follow that the same meaning must attach to all the members of the same class. This conclusion was strengthened by the direction to rate sterling exchange (which is usually treated as a correlative of coin) at its value in treasury notes, and by the further direction, already noticed in the assessment act, to assess coin in the same way. It was obvious that the holder of coin would suffer no injury by contributing such portion of his coin in kind, as under any circumstances he was bound to furnish sufficient treasury notes to purchase. It was thought probable that the tax in kind was intended by Congress to relieve the government from the obnoxious duty of depreciating its own currency. The tax levied in this form is also more beneficial, as it will secure to the government a portion of those large amounts of coin which have fled from the plundering hand of the enemy and have found its protection; and further, as it will enable the government to meet such demands for coin as occasionally arise.

There is another portion of the tax act to which I would respectfully direct the attention of Congress. A tax is imposed upon the capital stocks of all banks and other corporations, and another is laid upon all solvent credits.

The effect of these two enactments is to tax the capital of any corporation as stock, and then again to tax the securities in which the capital is invested. Banks of issue would be taxed even beyond this. Their issues, like their capital, are invested in securities. If these issues should be extended to twice the capital (as many of them are permitted by their charters to do) the bank would have to pay a tax of five per cent. on its capital, and then of five per cent. more on the total amount of credits in which its issues have been invested, amounting together to fifteen per cent. on its capital. This result is so manifestly unjust that I concluded that Congress could not have intended it. It probably was supposed that banks came under the exception in favor of any registered business. But this exception does not include banks of issue. I have, therefore, directed the assessors to make assessments in such form as will enable Congress to remedy the difficulty before the tax becomes payable. Several of the banks have applied for relief, and I respectfully commend to your attention a memorial which they have presented to this department, a copy of which is herewith submitted.

Another embarrassment in administering the tax act has been encountered in that portion which directs the tax in kind of farmers to be deducted from the tax of five per cent. on their capital. If the deduction intended was of the tax in kind of last year, then the planting interest will be entirely relieved from the taxes of last year whilst all other in-

terests have duly contributed. If the reference is to the tax in kind of the current year, then as the money tax is payable in June, and the tax in kind cannot be realized until later in the year, it is impossible to deduct the latter from the former. Some explanatory act is respectfully asked.

I cannot leave this subject without specially invoking your attention to the inequality made by the tax bill in the assessment of agricultural and other property. While the latter is assessed at its value in treasury notes, which are acknowledged to be depreciated at least to one-third their face, the former is assessed at values which prevailed when treasury notes were nearly at par with specie. This inequality creates discontent in the public mind, and cannot be maintained as just and equal. In all public as well as private transactions it is dangerous to depart from the great principles of justice with a view to effect present expediency. Doubtless it was supposed that legislation of this kind would reach the speculator and extortioner. But it will be found that most of these classes have escaped the tax by taking refuge in agricultural investments; while thousands of widows and orphans and loyal citizens, who have invested their all in stocks and securities, are deprived of their means of support. I would respectfully recommend a revision of this section and the establishment of a uniform rate of assessment.

The report of the Commissioner of Taxes will present the results of the collection of taxes, as far as progress has been made. The amount collected is $82,262,349.83. The difficulties which are encountered in the collection can only be estimated by any one who will inspect the mass of papers which are required for each return, and the enquiries necessary to be made of each individual tax-payer. The results of the tax will probably confirm the recommendation already made of a resort to a more simple system of taxation The frauds and evasions, which cannot be discovered under the present system, are a perpetual drain upon the tax, which is necessarily increased by the number of officers who must be employed in its collection. And after all is done by the government which is possible, the result is that the most cunning in devices will escape, whilst only the honest and conscientious pay the full and just demands of the law.

In the process of collection, various amendments to the law have been found necessary, which will be brought to your attention in the report of the Commissioner of Taxes, to which I respectfully invite your attention.

The act imposing restrictions on the export of cotton, tobacco, and naval stores, and that prohibiting the importation of articles of luxury, have received the attention which they demanded. Under the first act certain regulations, issued by the President, of which a copy is herewith submitted, will fully exhibit what has been done; and, under the second, this Department has executed the duty imposed upon it as to the limita-

tion within which importations shall be made of articles to be used for wearing apparel. A copy of the instructions issued to the collectors of customs on this subject is herewith submitted.

The customary estimates in detail are hereunto appended.

Respectfully submitted,

C. G. MEMMINGER,
Secretary of the Treasury.

MAKING TREASURY NOTES A LEGAL TENDER.

CONFEDERATE STATES AMERICA,
TREASURY DEPARTMENT, *Richmond*, March 13, 1862.

Hon. L. J. Gartrell, Chairman Judiciary Committee:

SIR,—I have received your note of this morning, requesting my views upon the expediency of passing an act making treasury notes a legal tender in payment of debts.

I presume the enquiry, addressed to this Department, is directed to considerations of finance, and not of law, and I shall accordingly confine myself to these.

I. Treasury notes are now the accepted currency of the whole country, and circulate at par with bank notes. They, therefore, need no assistance at present to enable them to perform the function of legal tender.

A law of Congress making their acceptance compulsory, will immediately induce the enquiry into the reasons for such a law. It will be asked Why enforce by penalty that which is freely done by every one? And it will be difficult to escape the conclusion which will be drawn, that the law-makers anticipate an expected refusal; and this anticipation involves suspicion of the notes. I need not comment upon the extreme sensitiveness of credit. It is obvious that the endeavor to force the notes upon the community will operate to shake the public confidence, and must depreciate their credit.

II. In any other view than an effort to prevent depreciation, the law would be useless, for it is plain that no law is necessary to produce a voluntary act. Assuming this depreciation as a fact, the next enquiry is, Will such a law repair or diminish the injury?

There are two classes of persons to whom the notes will be tendered—creditors and sellers. The first are required to accept in payment less than they contracted to receive. However unjust this may be, they have no option. The law to them is in nature a bankrupt law, and the interest

of the whole creditor class of the community is thrown against it. As to sellers, they are at liberty to decline accepting the notes, unless an additional price is added to cover the depreciation. The law, therefore, cannot reach them. On the contrary, the apprehension of still further depreciation induces this class to raise their prices or to decline sales altogether.

III. If the government should attempt to constrain the receipt of the notes by penalties, they have before them the experience of all nations as to its utter failure. A reference to the laws of Virginia will show that after a vain attempt to secure the currency of her bills of credit by penalties in May, 1779, she repealed those penalties; and the subsequent experience of France is equally, if not more, instructive.

Extreme pressure may compel our government to adopt in the future extreme measures, but it seems to me that at present it is our best policy to avoid every possible shock to public credit, and to legislate in the other direction, namely, to increase taxes, and by every possible means to promote confidence in the integrity and solvency of the government.

My judgment is against the passage of the law at the present time.

Respectfully your obedient servant,

(Signed) C. G. Memminger,

Secretary of the Treasurer.

COLLEGE ESSAYS AND ORATIONS.

ON THE "LOVE OF COUNTRY."

WRITTEN AT THE AGE OF FOURTEEN, WHILE IN THE SOPHOMORE CLASS, SOUTH CAROLINA COLLEGE.

To delineate the character and to portray the virtues of illustrious personages has ever been considered the proper province of panegyric and elogium. The greater the quantity or the more superior the degree in which those virtues which characterize a great and noble mind are combined in the same person, the more worthy is he deemed of such distinguished marks of admiration and respect. But panegyric has frequently, however, exhausted her store and eulogium has lavished all her praises on him who possesses one alone of these virtues. He, who when surrounded by difficulties and encompassed with dangers, when overwhelmed by disastrous calamities and threatened with impending ruin; when property, friends, everything dear or desirable is swallowed up in the vortex of destruction; he, who in this situation, can preserve his equanimity and disregarding with manly indifference the storms of fortune, deviates not from the course at first laid down, has always been deemed a character worthy of the most attentive imitation. He, who with heroic magnanimity and exemplary valor, has led his armies to battle, when victory descending from her car alights upon his arms and extending her wings over the field drives from before her the hostile legions and dazzles their sight with her ægis; when prosperity presents to her favorite hero the cup of ambition and encircles his brow with the distinguishing laurel; when in this situation he dashes from his lips the intoxicating draught and returns to his former station with an unsullied and an untainted reputation, has always been held forth as a remarkable instance to mankind. With equal justice may the pen of eulogy trace the character of him who shrinks not, when adverse fortune frowns upon his prospects; when the dark and lowering cloud of destruction, which threatens his horizon, bursts forth with resistless impetuosity and rends the air with peals of thunder; when havoc, issuing from its bosom on the wings of the

wind, releases from their gloomy caverns the fiends of war and urges them to satiate themselves on the blood of his soldiers. Then is the time to try his soul, but they "strive in vain"; he descends from the throne of prosperity in awful majesty and shrinks not from the horrid aspect of misery and despair. Like the archangel, fallen from his high estate, he sinks, but not in crime; his soul, though bleeding, is unsullied; his mind, though bent down by suffering, is not turned from its integrity. Like the splendid lamp of heaven he will soon reappear from behind the clouds which obscure him, to strike with more dazzling brilliance the astonished world. Thus does it appear that there are virtues, the possession of one alone of which is capable of ennobling and immortalising a name. Among these virtues Love of Country holds no inconsiderable place; to delineate then the influence and the effects of which upon the actions of mankind is the object, which will, I hope, on the present occasion attract your attention.

In order to a better representation and more complete conception of the present subject, it will be necessary to point out those qualities and properties which are essentially requisite to a genuine love of country. That attachment which mankind have in common to the place of their nativity, is nothing more than a mere natural regard arising from local circumstances and confirmed by habit, but which long absence and better advantages in a foreign country may eventually eradicate. Even the savage Indian has an attachment to those unbounded forests where he has been accustomed to roam from the earliest dawn of recollection, and where in maturer years he has with unceasing vigilance traced the path of the light-footed antelope; and, like a lion watching for his prey, has spent hours of patience, waiting the approach of the timorous and unoffending stag. But patriotism, instead of arising from local partialities, increases with knowledge; instead of being confined to a little spot, comprehends in one vast view nations, dynasties, empires. It rageth in the breast an inextinguishable flame, and burns unceasingly and forever.

To produce a virtue of so pure a nature, civilization and science must lend their powerful aid. It is not from the impulse of nature that we learn to sacrifice self-interest at the shrine of public welfare. Principles must be instilled into the mind of man to induce him to love his country. He must be taught to consider himself not his own, but his country's property; he must be made sensible of what he owes to her fostering care; that before he was able to render himself any assistance, like a second mother, she took him by the hand, placed him "under the shadow of her wing," and tendered to him all the blessings of life. He must be taught to view with abhorrence and detestation the man who possesses not this love, and to consider him an enemy to his country. Happy is the nation among whom education thus takes up her abode; happy are the people who could thus entice her. With them shall Patriotism delight to dwell; there shall she fix her lasting habitation and shed her genial in-

fluence on all around. There shall she raise a new Leonidas, who with his faithful countrymen, will part with liberty only with life, and the enemy shall only enter their country by making their bodies a threshhold. But the usefulness of any virtue is only to be determined by its practical influence on the actions of mankind. Theories and hypotheses may be heaped upon each other and successively overturned without ameliorating or injuring the condition of any nation. It is when these theories are reduced to practice that they influence the fate of nations, and it is only when this influence is beneficial that they can with justice be termed useful.

In order, then, to show the usefulness of love of country, we will trace the character of him upon whom it exercises its greatest influence. Called to an honorable station by the suffrages of his countrymen, he is indefatigable in the pursuit of one object—his whole mind is turned thither. The good of his country is his glory, her prosperity his boast, her prospects are his prospects, her views his. If any measure injurious to her welfare should be proposed, he exerts himself to the utmost to thwart it, and rests not day nor night till his wishes are crowned with success. If he sees any prospect of aggrandising his country, he urges his whole influence to propagate his scheme, and although defeated in his attempt, yet will he not be discouraged. But his view is not confined to external objects alone; he considers the situation of his own countrymen, and endeavors to alleviate their misfortunes and comfort them in their calamities. He revolves the consequence of all his measures in his mind before he proposes them. His soul, not made callous by the chilling touch of power, bleeds at the afflictions of others. He knows that individual happiness is one of the grand objects of government, and that a government can only be strong when its subjects are attached to it. Thus the good of his country is his only object; her welfare his only care. As a majestic stream which glideth along—

> Giving a gentle kiss to every sedge,
> He overtaketh in his pilgrimage;

and though rocks and rapids may obstruct his course, yet at length shall he empty his tributary waters in tranquility and calmness into the imperious ocean.

But if some insult from a foreign nation; if some injury be done to his country; if honorable advances be made and be rejected with scorn and disdain, the soul of the patriot then burns with honest indignation; then is he ready to sacrifice all the prospects he before had in view; all the anticipations of a laudable ambition, everything dear or desirable on earth, even his very life, to the honor of his country. The lion is roused from his den; he rushes forth, and the forest trembles at his roar; the mountains re-echo the sound and all nature shudders. Princes and potentates start from their thrones, for the rage of the patriot is excited; his country is insulted; she is struck by the impious hand of despotism and dared

to the encounter. He girds on the destroying sword; he rushes amid the danger and the din of war. Who can oppose, who can withstand him? The coward sword of his enemy falls from his hand, and he shrinks from the encounter. Despotism calls in vain for his slaves; the keen edge of the patriot falchion cleaves his crest, and he falls prostrate from his throne. The Goddess of Liberty descends and hurls him to destruction; his servile train desert and leave him, and he sinks headlong into the vortex of oblivion.

"THE ART OF PRINTING."

AN ORATION DELIVERED BEFORE THE CLARIOSOPHIC SOCIETY, SOUTH CAROLINA COLLEGE, 1818, AT THE AGE OF FIFTEEN YEARS.

Mr. President,—We are assembled this evening not to repeat the plaudits of victory, or to utter the triumph over the laurels of a conqueror; not to bend the knee at the altar of adulation, to court the power, or to solicit place of some capricious master; but, clothed in the vestments of peace, we are here unanimously to offer up a sacrifice at the shrine of science. Remote from the noise and tumult of a busy world, the pomp of blood-stained victory and the pæans of eulogy disturb not the sacred silence. This is the object of our meeting—an object dear to us as freemen, dearer as the future props of our country, and, oh, how dear as votaries of immortality.

In a country situated as ours it is almost exclusively our duty to cultivate science. Ignorance is the foster parent of slavery; science the nurse of freedom. To know is to secure our rights. In all ages ignorance has been considered the deadliest foe to liberty. With this the despot arms himself; by this he bends the necks of his subjects to submission, and in this he finds his surest defense. In vain do his enemies combine against him; in vain do they attempt to overturn his throne. Ignorance and superstition stand by his side and guard him from their attacks. But when the sun of science rises upon their horizon and spreads his genial influence around them, how are these mists dispelled, and with what a tremendous crash does this huge fabric fall. In its animating ray the patriot gathers strength; the tyrant only it dazzles, bewilders and blinds. Ignorance, like a vapid dream, from whose putrid exhalations arise pestilence and death, carries ruin in its train; while science, like the majestic Nile rolling over huge cataracts and spreading prosperity and plenty all around, diffuses universal happiness.

To analyze the human mind has called forth the greatest exertion of talent and intellect. Theory upon theory, and hypothesis upon hypothesis, has engaged the attention of philosophers of all ages. Vibrating from extreme to extreme, at one time we have been amused by the beautiful disquisitions of Quintilian, the deep and discriminating talents of Locke, and the glittering visions of Helvetius. Now we eye a picture on which the pencil of hope has scarce touched a ray, and now we turn to one on which imagination has lavished all her charms—the eye is dazzled by its splendor and its faults concealed. But nature, equal and uniform in all her works, has neither shut us out from the acquirement of knowledge nor endued us with such talents as will spring to maturity and ripeness without due care and attention. On the contrary, she has given each a just allotment, and has proportioned the fruit to the means taken to procure it. She has made industry and application auxiliary to our wants; that by using these means we may on eagle pinions soar above the vulgar crowd to mansions of eternal fame and glory. The span of time allotted to each of us is by far too short for the attainment of universal science. Soon shall the clay-cold sod cover the philosopher, and no longer shall his voice be heard among the living. Like wave succeeding wave, generation succeedeth generation, and man withereth and falleth to decay like the grass of the field. But his works live after him, and although he be in the valley of death, yet is he able to instruct, amuse and entertain. At the distance of two thousand years we can listen to the song of the immortal Homer; we can hear the thunder of his battle and attend to the majestic strain of his verse. We can sport with the playful Horace or weep with the solemn Virgil. We can ascend with the sightless Milton into mansions of eternal bliss and view angels robed in light, making melody upon their harps.

But though we derive advantages of the last importance from the labors of others, still are we indebted to other sources for the distribution and equalization of science. The knowledge of the wisest would avail but little were they heard only while speaking, or were they to instruct only while living. The wisdom of Socrates and Plato enlightened a few, who, by the splendor of their fortune, were enabled to attend their discourses, while the surrounding multitude continued enveloped in their former ignorance. And when the destructive rapacity of Northern barbarians destroyed and overturned the civilized world, science, unable to stand the shock, fell beneath their rude hands unsupported and unknown, and mankind relapsed into their original state of ignorance and superstition. Eloquent and impressive was the silence that for ages sat upon the world; she seemed to weep because her children were not. The thunders of the Vatican heard at distant intervals rendered the gloom more awful, while the light, which like the faint coruscations of an exhausted cloud, ever and anon shot its pale ray across the horizon, was the only monitor that other times had ever been. At length the

exertions of Peter, the Hermit, followed by those stupendous monuments of human credulity and superstition, the Crusades, by opening the communication between nations, happily dispelled the mists, which enveloped the world, and cleared the way for the glorious assertors of the rights of man. The Reformation, in all its splendor, burst forth with dazzling brilliance upon the benighted world. But soon would it have disappeared like the effulgent meteor of heaven, which after illuminating the horizon with its rays, bursts into myriads of stars then disappears, had it not been for the accidental discovery of an art which shook all Europe to its centre. Laurentus, of Harlœm, a name dear to the votaries of science, while amusing one of his children by carving letters on a tree, was impressed with the idea that by cutting a number of letters on wood and arranging them in syllables and then into words, they might from thence be impressed on paper; accordingly having cut the Lord's Prayer, the Creed and such other things as conformed to the fanaticism of the times on a berchen plank, he stamped it on paper, and thus produced the first rude essay of the ART OF PRINTING.

This piece is now preserved in one of the museums of Europe in proof of this. But wood was soon too soft to answer his purpose entirely; lead was therefore tried, but this also baffled his endeavor. At length by a mixture of lead and tin he formed a composition which exceeded his most sanguine expectations. Thus was invented an art which changed the whole nature of things, and effected an important revolution in the history of man. But soon was it destined to feel the persecutions of bigotry and superstition. Princes and kings, urged on by fanaticism, conspired against its existence; it was decried as the offspring of malice and the vehicle of opprobrium; but armed with herculean power it crushed, even in its infancy, these serpents sent to destroy it. The thunders of Rome were hurled at its root, but like the hydra of old it gathered strength from opposition. Thus was invented the art of printing—an art from which we have derived advantages of the last importance.

We will now briefly review its influence upon science in general, religion and political happiness. To make the labors of any one in particular subservient to the general good of the community, the medium of intercourse by which every individual may partake of the fruits of this labor, must be open to all. The slowly moving pen was but little adapted to facilitate this intercourse; the labor was immense, the span of time allotted to man would be entirely consumed, and the community would eventually derive but little advantage—perhaps one copy added to the general stock. In Greece and Rome, although much has been said of their fame in literature, yet we find a few, for whom the hand of power or the finger of affluence had prepared the way, enjoying the pleasures of science, while the surrounding multitude were still enveloped in the grossest ignorance and superstition. This was the state of science when the heavy hand of the fell Goth struck at its extinction. Can we wonder that she

sunk into obscurity resting on such a basis as this? Can we wonder that she slept so long when we consider the character of these barbarians? To wield the sword and hurl the lance was their only amusement—the *ablest warrior was the wisest man.* War was their only employment; the arts of peace they left to women and children. Their minds had attached the idea of slavery to every thing relative to science; they saw how enervated were the people they had conquered. This they attributed to their passion for the arts, and on this account they despised them and everything appertaining to them. But when the genial climate of Italy, attended by the influence of the mild religion of the Redeemer, had softened the ferocious spirit of its conqueror, science was sometimes seen weeping in a cloister. The art of printing, with a ray as resplendent as when "God said let there be light and there was light," burst forth on the world, and extended the blessings of science to all around. Like a majestic stream it glideth irresistibly along, bringing prosperity and happiness to the door of every man. You, my hearers, are yourselves instances of it; say, has it been of immense advantage to you? Were it not for this where would now have been these institutions which send forth annually rich streams to water our beloved country?

If this art has been of so much advantage to science, how can we estimate its influence upon religion—that mild religion which comforteth us under all difficulties, which supports us under all calamities, and which, when all earthly friends fail, smooths our pillow and prepares us for death. In vain would Luther and the other assertors of the rights of man have strove to overturn the fabric of superstition which enthralled the world had not Laurentius of Harlœm prepared the way. Their works circulated with the rapidity of lightning, and the eyes of man were at length opened that he should see his folly. Although kings and priests combined against them, yet armed with omnipotence they overthrew all obstacles and gained the desired object. Like a tempest the reformation spread and triumphed over dynasties and empires in its victorious career, and now for the first time were the thunders of Rome heard without dismay. That mankind have certain imperceptible rights is a position too well known to need any proof; it is not less known that among these rights are the equality of all men, and civil and religious liberty. In the formation of a government each member of the community sacrifices a portion of his personal liberty at the altar of civil liberty. Thus it appears that the good of the community is the object for which all governments are formed; hence it follows that the moment this ceases to be the object, from that moment the people have a right to shake off this government. Again, since all power springs from the people, the people have a right to give their opinion on every subject; and thus in small communities the people enjoy the greatest portion of liberty. But when a country becomes so populous that this cannot be done, then another plan must be resorted to, and this is by a representative govern-

ment; by these representatives other officers are appointed for the better regulation of the government; still are all these officers responsible to the people, the source from which they derive their power. From this it appears that the people have a right to canvass their opinions and examine into their conduct. To do this effectually the art of printing has opened an extensive field. The freedom of the press is the chief guard of liberty; by this can the patriot extend a shield over the liberties of his country and rouse the latent springs of government into action.

In England the people have struggled for ages to obtain this great engine of freedom, and although they possess it in some degree, yet have they no positive law in its favor. But in our happy country, not satisfied with this negative freedom, our fathers were determined to affect this right—the guardian genius of our civil and religious liberties. It is our glorious privilege to examine the conduct of our rulers and scan their views. The press guarantees to us these privileges, and affords us an instrument to exercise them. On its bright surface the tyrant looks and is turned to stone; the patriot sees his image reflected and is urged on to virtue. But it has been alleged as an argument against it that licentiousness is but too often attendant on the liberty of the press. True it is, in some degree, but shall we condemn the whole because a part is tainted? Shall we destroy the whole tree because a branch bears bad fruit? Who would have any confidence in that physician who, to cure a gangrene, would top off a limb, of which he knew death to be the consequence? The remedy would be worse than the disease. The communication between licentiousness and the freedom of the press is too nice to be discriminated, and since the bad effect of the one is more than counterbalanced by the good produced by the other, it would be better to let it remain. Thus is the liberty of the press the bulwark of freedom, the shield of liberty, and the guardian of our rights; in a word, we may truly say that it is the source from which we derive all our present happiness and prosperity.

"IMMORTALITY OF THE SOUL."

ORATION BEFORE THE "CLARIOSOPHIC SOCIETY," SOUTH CAROLINA COLLEGE, DELIVERED 1819, AT THE AGE OF SIXTEEN YEARS.

Mr. President,—The analysis of the human mind is the proper study of man. Engaged in the contemplation of the works of creation the natural philosopher retires from society and seeks some solitary place where he may in silence pursue his meditations. Fired with a zeal to examine the grand objects of creation, and urged on by a resistless curi-

osity to enquire into the causes which produce the regularity and order which he observes throughout the universe, he now opens the bosom of the earth and attentively observes the various productions of the mineral kingdom; views nature forming in endless succession those gems, which sparkle on the crowns of kings, and traces the seeds from which shall arise volcanic eruptions, which shall shake the solid globe to its centre. Gradually elevating his observations he now views the various forms and systems of matter which prevail upon the face of the earth, penetrates into the astonishing phenomena of vegetation and displays the regular gradation which exists throughout these works of nature. And now the azure sky, decked with those countless myriads of constellations which hang like immortal lamps of effulgent splendor, round the throne of heaven, appears in full glory before him. Gliding on an embodied ray of light, he walks amid thousands of worlds, which marks their regular orbits around the central sun and is astonished at the harmony and order which prevails throughout. Like the fallen Archangel, traversing the newly-created regions, illumined by the lamp of day, he gazes, admires and is compelled to reverence the Author of all. But the contemplation of the human mind exerts a more powerful influence in increasing our admiration of the wisdom of the Almighty. Matter, inanimate matter, actuated only by external causes, cannot have the power of presenting itself in forms calculated to inspire veneration and delight. The most beautiful prospect in nature becomes insipid by repetition of enjoyment and the grandest object ceases to affect the senses when made common to their view. Not so the human mind. Always presenting something new, always affording something before unheard of and ever capable of receiving new impressions and producing new ideas, an endless field lies open before it. Imagination, that powerful source of pleasure and enjoyment, can always afford delight and present new means to please an immortal soul. Reason, that never deceiving guide, can always discover new objects on which to exercise itself, and memory, that enchanting source of fascination, can always reproduce former impressions. The understanding is ever prepared to perform its duty and the passions ever ready to be excited. An emanation from the very essence of the deity, it must partake of his qualities. A stream from the very fountain of perfection, it must possess some of its properties, and though tainted by extraneous matter in its course, yet must it be somewhat like the original. Such is the human mind—and can anything be more instructive than to consider such a being? Can anything be so pleasing as to contemplate its qualities?

Hence, then, if the study of the mind is the proper province of man, and if this mind is so pre-eminent, it is of no less moment to consider whether it is to be annihilated and pass into non-entity or to exist forever—whether we must entertain the debasing idea that this ornament of creation, this lord of the universe, is to be hurled to a level with the brutes or

to exist co-eternal with those intelligencies who are above him in the scale of creation, and vie with them in adoration of their common Author. To establish the probability of the immortality of the soul by the light of nature and reason, the passions and sentiments of the soul itself afford a ground of conclusion. Let us for a moment suppose that we are to be annihilated—let us image that non-entity is to receive us from the hand of death. What dreadful idea rushes upon the mind—what chilling anguish seizes the soul. What! am I to be destroyed forever—am I to sink within the grave and lie there to eternity? Oh, dreadful, tremendous suggestion! Imagination, at its view, starts from its situation, and a universal horror seizes the soul. Fancy shrinks back from the prospect, and despair, with her gloomy attendants, usurps the mind. The blood rushes back to the heart and refuses to perform its circulation. Nature stands appalled at the sight of the anguish of her lord. But is it really so; are we really to pass into this state of non-existence? Can an all-good, all-wise and all-just Creator implant misery in his creatures? can he instil into us principles merely to make us pass a miserable and wretched existence? Heaven forbid; justice and humanity condemn the thought; reason and mercy decry such a suggestion. No! ages upon ages shall roll away, heaven and earth shall be destroyed, but we shall exist. How does imagination grasp at the idea, how quickly does she now pass the field of time. The dark cloud of futurity cannot bound her vision, the obscure vale of eternity cannot impede her career. Immortal pleasures rise to her view, and immortal honors lie thick around her. Charmed at the sight, the soul is released from anxiety, and beholds the fascinating prospect both in boundless admiration and delight.

When the final cause of any doctrine or opinion is to instil into the mind principles of humanity and virtue, to strengthen the bonds of love and friendship and to improve the morality of mankind, the rational conclusion is that this opinion is grounded on a firm basis, and that the doctrine itself is true and consistent with reason. If, then, a belief of the immortality of the soul has this effect upon society, we must conclude that this belief is rational. That it has this effect will be evident by supposing the belief for a moment to be removed. That excellent systems of ethics which is founded on the basis of a state of future rewards and punishments, would immediately crumble and fall to the dust. Mankind released from the constraint of virtue and conscience, would perpetrate every act which would suit their own particular ends. The wicked, no longer restrained by any principle of remorse, and no longer fearing future punishment, would prey upon the property of their neighbors, and the virtuous, feeling no inward principle of self-approbation and seeing no prospect of future reward for temporal suffering, would, in self-defense, take those same means to which others had resorted. Ambition, attended by her concomitant train of passions, now looses from their fetters the fiends of war and destruction. The

voice of desolation is heard crying havoc, and he is seen urging on his hell-hounds to satiate themselves with the blood of man. Alarmed at the tremendous confusion, which shakes all earth to its center, justice and humanity fly to their original abodes and cruelty usurps their place. Mercy, for a moment, strives against the mighty tumult, but as when a river impeded in its course acquires accelerated power, and rushing from its wonted channel destroys and desolates everything in its impetuous career, so do the exertions of mercy avail, and finding all endeavor fruitless she returns to her olympic abode. Creation is rendered a scene of interminable confusion, and chaos resumes his despotic sway.

But let us turn from this disgusting picture and consider the subject in another point of view. The force of arguments drawn from analogy is always proportionate to the points in which the analogy holds good, and if it corresponds in all points, the evidence thence arising amounts to moral certainty. Universal experience has attested that the human mind is progressive. Improvement upon improvement and addition upon addition has been made and is constantly making to every branch of science, but the goal of perfection is still as far distant as ever. The road thereto is as capacious as ever and the travelers thereto have not ceased from their labor. As when some solitary bark pursues its course over the trackless ocean, leaving behind it a world of waters, the hopeful mariner anxiously seeks a limit to his vision, but in vain, an interminable prospect still appears before him, so is the progress of the mind. Is it not rational to suppose that if we have gradually progressed thus far, the severing hand of death will not obstruct our career? Does not analogy confirm the supposition? Is it not probable that death will only by removing all contaminating matter from our purer spirit, approximate us to the source of our existence? How pleasing is the idea; how consistent is it with the goodness of our Maker, that we shall constantly advance in our journey and add knowledge to knowledge and perfection to perfection. May imagination stamp it on the tablet of memory and may she cherish the idea forever, even when time is no more.

"INFLUENCE OF POPULAR OPINION."

AN ORATION AT THE EXHIBITION OF THE SENIOR CLASS APRIL 22, 1819, AT THE AGE OF SIXTEEN YEARS.

To develop the secret causes which influence mankind to the exercise of virtue has ever been deemed an object worthy the attention of the philosopher. So accustomed is the human mind to the pursuit of vice, that

none but the most powerful inducements can stop its impetuous career. The path to virtue is so intricate and the dangers attendant so apparent, that the votary of vice discouraged from every attempt to enter, turns back to his former engagements. The pleasures spread before his view, the enjoyments which are constantly displayed to his fancy, captivate his soul and exhibit to his superficial eye more allurements than the distant prospect of future joys. Experience has therefore suggested that motives of a powerful nature must be used to obstruct the channel of former pursuits and change the course of inclination, that incitements must be held forth as rewards to his endeavor and punishments to deter him from a return to his former life. He, who when called to a station above his fellow-creatures and to the enjoyment of the affluence and the power of kings, when the sunbeams of prosperity dart their animating rays upon his head and a propitious noon-day scatters fragrance on every side, when no rising cloud threatens to obscure his horizon, but a never-ceasing spring adds zest to every enjoyment, he who can in this situation preserve his equanimity and retain his character unspotted and his mind uncontaminated by the intoxicating touch of power has ever been deemed worthy of emulation, and the motives which actuate his soul have ever been held worthy of attentive observation. But when the rude storms of winter drive every vestige of happiness from before him; when the pestiferous arm of calumny hurls him from his exalted station and exposes his shame to the world; when the envenomed shaft of envy strikes his defenseless bosom and malice with her ten thousand fangs pierces the vitals of his existence and saps the very foundation of his reputation; when the torrents of heaven spend their utmost rage upon him; when no friend appears to direct his footsteps to a place where he may lay his weary head, and no refuge but the clay-cold sod on which he stands is ready to receive him—he who can in the dignity of his mind rise from the midst of these congregated evils and continue in the pursuit of virtue must be influenced by a motive powerful indeed. Not long shall he remain contemned and despised, the Goddess of Virtue descends from her abode and sheds her genial influence upon his heart. Majestic and glorious shall he appear to the world, like the full-orbed moon arising from her bed of waters. Thus does it appear that there are motives and inducements capable of inciting man to actions which otherwise would have overcome all his boasted resolution and courage. Among these popular opinion holds a distinguished rank; to delineate the influence of which upon the actions of mankind, is the object which will, I hope, on the present occasion, attract your attention.

It is a maxim which the universal experience of ages has attested, that great causes invariably produce great effects. The ambitious mind of an Alexander, aspiring at the possession of universal power and dominion, astonished the world by the greatness of his actions and the unbounded extent of his ambition. No power of nature or art could obstruct his

rapid career; to such a mind actuated by such a motive nothing appeared impossible. Like the portentous comet of the north, he would have extended his view over the whole race of man, while his miscreated front penetrated the recesses of heaven. The arm of a Brutus plunged the murderous poniard into the breast of a benefactor and delivered his ungrateful country from an ignominious thraldom. From such a noble mind none but the most powerful of motives could have erased the memory of past kindnesses; none but such a cause could have destroyed the ties of gratitude and friendship. Hence, then, if popular opinion can be shown to have an eminent rank among motives of this kind, we must infer that it exercises as powerful an influence upon the actions of mankind.

The sceptered monarch who wields the destinies of nations and balances the ponderous scales of justice; whose mighty power extends over millions of people, and before whose view every enjoyment which can captivate the fancy or charm the soul is displayed; whose every wish is gratified and every desire satiated, is compelled to appear at the dread tribunal of popular opinion. If cruelty and vice have held a despotic sway over his mind; if he has sacrificed human life at the shrine of passion; if the contaminating touch of tyranny has subjected him to its control, and ambition has urged him to loose from their adamantine chains the fiends of war and desolation, to whose iron reign he has subjected millions of his fellow-creatures and whom he has caused to gladden at the right of mankind the enemy of man—if these have been his actions, the arm of popular opinion shall exhibit to the world his atrocious deeds and his people shall curse his name. Infamy and disgrace rush upon his view and seizing his now impotent arm, hurl him headlong to the dust, and a more worthy competitor is exalted to his place. But if, on the contrary, the strong shield of virtue shades his footsteps; if the genius of mercy, like the genial sun of heaven, sheds her influence upon his mind and directs him in the road to virtue; if the loud voice of ambition is heard with contempt, and the touch of power instead of contaminating, adds fresh lustre to his actions, then shall popular opinion exalt him to the sky, his deeds shall he proclaim to after ages, and history, in justice to his merits, will record on her brightest page his illustrious name.

But mark the philosopher engaged either in the contemplation of his own mind or in the development of the causes of the phenomena of nature. Gratified at the object displayed to her view, reason, quickly dispersing the mists of obscurity which had before enveloped her in darkness, dives into the profundities and penetrates the inmost recesses of nature. The revolving planet is traced in its orbit, and the forked lightning is plucked from the spheres; the earth opens its bosom to disclose to his enquiring eye her darkest mysteries. As when the whole animated creation passed in review before our great first sire to receive their appropriate appellations, so does the universe pass successively before the

eye of the philosopher. Imagination, bursting the fetters which had long kept her in thraldom, seizes the wings of the wind and bounds beyond the field of space. The vault of heaven cannot impede her resistless career, but with winged impetuosity she darts into its most hidden recesses. Seizing in one hand the Promethean fire, with the other she grasps at the bright tablet of immortality, displayed to her view by the arm of popular opinion. Animated by her voice, and urged on by the high prize she holds forth, with renovated vigor he pursues his meditations, and at length by diffusing the inestimable blessings of science among mankind, he receives the great reward of merit. A talisman against every danger which may encompass his path, it raises his name among those who have been crowned with the same laurel and have done equal honor to it. Respect and reverence attend him through life, and the page of history shall tell his fame to ages yet to come.

The labors of a Homer and a Milton have justly obtained from an admiring world the due tribute of immortal honor and renown. But it is to actions, which in their general tendency ameliorate the condition of millions, that we are to ascribe the greatest praise and to affix the stamp of immortal fame. The man whose comprehensive mind reviews the condition of nations, and whose province it is to provide for their welfare and security, their happiness and prosperity, he it is upon whom popular opinion exercises her greatest influence. Guided by her resistless arm, he sets at defiance the congregated power of the world. Potentates and princes, dynasties and empires, may exert their utmost force against him, but he stands firm and invincible. The ægis of his protector is held over his head; on its bright surface the tyrant looks and is turned to stone; the patriot sees his image reflected and is urged on to virtue. As when the four winds of heaven, issuing from their stormy caverns, rush with tremendous fury upon each other, and drive old ocean from his watery couch, disclosing to the eye of man his lowest profundities and discovering to the face of day the secrets of Pluto's realm, when mountain upon mountain is urged forward in terrible succession against some devoted rock, which looks in stern defiance upon their vain attempts, so stands the patriot shielded by the invincible arm of POPULAR OPINION.

"EULOGY ON PRESIDENT MAXEY"

BEFORE THE LEGISLATURE OF SOUTH CAROLINA AND THE CLARIOSOPHIC SOCIETY, 1819.

Fellow Members of the Clariosophic Society:

We are met together this day not to repeat the plaudits of victory nor to utter the triumphe over the laurels of a conquerer; not to offer up in-

cense at the altars of adulation, or to bow ourselves down in homage to power. But clothed in the vestments of peace we are here met to celebrate the virtues of departed merit; here in the sight of heaven we are assembled to proclaim the triumph of virtue and to perpetuate the memory of a votary to science and to truth.

Panegyric hath been exhausted in the service of greatness. The exploits of the valiant; the chivalry of the brave engross men's praise and enlist in their train the talents and efforts of the wise and the learned. Why lives the memory of Homer and of Ossian; but because the themes of their verse were the valor of Achilles and the daring of Fingal. Fitz James and Suwarrow have given scope to the imagination of Scott and the wild terseness of Byron. In the history of nations how much is devoted to narration of conquests. The philosophic Plutarch feels himself a Greek in describing the glory of Alexander and checks not his admiration of Epaminondas and Emilius. Even Hume himself, observant and sceptical, is fired by the chivalry of the third Edward; and Monk and Montrose are fixed in our esteem by the eloquence of his description. In our own country, the deeds of Putnam, Warren and Greene are heard from the very mouths of babes; while Morris no less useful, and as patriotic as he was useful, is known only to him who has carefully examined the records of his country. Mankind seem universally susceptible only to the splendor of war. Neglected is the harp of the peaceful and the soft voice of Addison and of Metastasio is hushed in the stillness which is the charm of their muse. To see a leader like Frederick of Prussia—discomfited and forsaken—rallying suddenly his energies and compelling resources distant and unexpected; to see him rush upon his unsuspecting enemies and scatter them before him, has always dazzled men and gained their applause.

The visionary blaze illumines his whole character and conceals his faults. His life is a picture of brilliant eminences, amid whose shining peaks the eye seeks not for the dark precipice or the fathomless chasm; but, pleased and bewildered, is content to gaze upon the gems which sparkle before it. But do no objects darken the prospect? Is no sound heard but the shout of victory and the adulation of admirers? Methought there was a voice which moaned along the air like the sighing of the night wind among the leaves of the forest. It was the moan of the widow and the orphan who knelt over the corpse of a husband and a father; "it was Rachel weeping for her children because they were not." With uplifted hands and in agony of soul they imprecate the justice of heaven upon the destroyer and the ambitious. And shall not the voice of the widow and the orphan check the praises of him whom men call brave?

Is he a fit subject of panegyric whose path is thus marked, whose name thus deprecated? Shall man yet be so lost to himself as to do homage at the monuments of Timour and Caracalla, or will he yet commemorate Austerlitz and Waterloo? Shall Pisistratus and Lysander still live in the

same page with Harmodius and Timoleon, or shall Marlborough and Nelson still sleep beside Chatham and Howard? Shall the historian and the poet still expect to find virtue amid conquest and war, or rather shall they not seek other subjects of praise?

If, then, among this class so much worshipped there be so little real worth; if amid the history of conquerors none can be found of exemplary virtue, where are we to seek for lights and examples to mankind? Shall we look to the statesman—the politician—to him who leads his country's councils, who lavishes in her service his time and his talents, urging onward as though his whole aim were to be useful, his whole soul intent to accomplish that purpose?

He seems perfect, but at some unfortunate hour the mask is withdrawn, and ambition appears directing every action to the aggrandizement of self. That virtue which before struck with its brilliancy is now but the faint coruscation of an exhausted cloud, which ever and anon shoots its pale ray across the horizon. The charm vanishes and we are disappointed. Where, then, shall we seek for purity of motive? where for subjects proper for emulation? It must be where man is undisguised—in private life; where the soul appears in simplicity, self-collected, self-moved; among the unpretending few who make no claim to dignity or power. It is to such a scene the events of this day invite us.

But a short period has passed since we were together within the walls of this our alma-mater, happy and rejoicing in the society of each other. The remembrance of those days comes upon us peaceful and sweet as the tales of former times—it is the sun of the morning upon the tranquil waters of a lake. Here, in the academic groves, we wandered cheerful and content, without a thought to harrass, or care to cause us pain. With each want supplied, we had only to seek for science and we were offered all its stores. The earth was searched, the heavens examined, the mind laid bare—nay, the very elements were compassed to bring before us the discoveries of science and of art. First in the ranks of those who labored for us, was he whose memory we are this day met to perpetuate, the good, the much-loved Dr. Maxey. Although our father, our instructor, he became one of our brotherhood and united us to him by the strongest ties. Under his guidance we marched to the attainment of our ends with confidence and with zeal.

How often has our emulation been excited, our exertions stimulated by his kindness and encouragement. O! it was pleasant to sit down at his feet and to hear the wisdom which flowed from him. Persuasion dwelt upon his lips, and on his countenance sat benevolence and good will to all men. Methinks I see him with fervid and impassioned eloquence exhorting us to industry, virtue and perseverance—and now he is expounding the mysteries of knowledge. Is it not wonderful with what rapidity he leads the mind step by step to perceive his conclusions; how

entirely engrossed he is by his subject; behold his audience riveted in attention; fixed and mute by the influence of eloquence and of reason, till at length with one accord they rise satisfied and convinced. To drink inspiration from the lips of such a man were pleasant—it were indeed delightful. In the sunshine of those days our garden was a paradise, and in the exuberance of enjoyment we fancied our happiness perpetual. But in an instant a wind from the desert reached our paradise and laid low its luxuriance. Death appeared amongst us and prostrated our greatest and our best. The guide of our youth, the father of his children was taken from their presence. The cold sod of the valley now covers his head and he rests from his labors.

> "Sweet is the grave where angels watch and weep;
> Sweet is the grave and sanctified his sleep.
> Rest, O! my spirit! by this breathless form,
> This wreck that sunk beneath death's awful storm."

But though the grass withereth and the flower fadeth, yet from the dust thereof arises the green germ which shall disclose beauties still more exquisite. Though the virtuous and the wise must yield to mortality, yet do they live in their works, and the result of their labor remains. Posterity ask not what a man was or in what estimation has he been held. They demand, what hath he done, and few, very few, have wherewithal to make answer. But, on the present occasion, which of you is not prepared with the answer?

A few years ago, and what was the literary condition of our State? To seek education we were compelled to migrate to other countries, and as this migration was expensive and inconvenient, merely the rich and those near the sea could avail themselves thereof. In the interior it was impracticable, but at very great sacrifice to procure a liberal education. The people of the State, being educated in manners so variant, and having no intercourse until interest led them to meet, became jealous of each other. In early life alone is it that those attachments arise which cement hearts throughout the vicissitudes of life. Connections from interest are at best but temporary, for when the interest ceases or becomes adverse the temper of mind must undergo a concurrent change. But early recollections are permanent. Who does not dwell with rapture on the days of his boyhood or feel a strong predilection to the participants of those scenes? The generous sympathy, the disinterested and zealous friendship which characterize those days, impress themselves upon the mind, and those impressions often withstand even the shocks of after life. Men of opposite parties, of adverse interests, are frequently seen interchanging good offices impelled by the recollections of early union. In the absence of such motives men are linked together by fortuitous circumstances, and where they meet but seldom attachments must be rare. But when interest interposes, when it meets no check by opposing interest, the consequences

must be far from happy. Hence it ensued that the people of the State were split into factions; that inequalities existed, and that jealousy was predominant on every side.

To remedy some of these grievances this college was instituted. Its stability and usefulness would depend upon the talents of the men who directed it. The presiding officer must be one in whom the learned would find a brother, the virtuous a preceptor, the young a parent, and the old a guardian for their children. He must be one who could command at the same time the veneration and love of his pupils, the confidence of the State and the first rank in the republic of letters. And such a man was Dr. Maxey. Who but he could restrain the aberrations of feeling, which may have led to the destruction of the institution? Who else could so entirely control the passions, turn their course and lead them to promote the welfare of those whom they would otherwise have ruined. Look around the State and see what has been affected since he assumed the chair! Is science enquired for? Lo! she points to an altar in every section of the country and proudly numbers votaries where before she had been despised. The names of Locke, Bacon, and Newton, are heard from the lips of children, and studies, the most abstruse, have become common and familiar. In every corner of the State, Hume is known and consulted and the mysteries of Smith and of Say are solved ex-cathedra. Indeed, the people have assumed an aspect entirely new. So much is their intelligence increased that to be distinguished among them requires talents and industry the most eminent and persevering. The graduates of foreign institutions are met without reserve by the alumni of our college, and the acquirements of the one fully equal those of the other. Those jealousies which once prevailed are softened and ameliorated, and men from all sections meet with emulous good will.

Amidst this general propagation of science the arts too have made a proportionate advance. Agriculture has enlisted in her service the best exertions of science and combined to her aid the powers of the wisest and most enlightened. The State is more honored, her officers more respectable, and the people more happy; and although many causes have conspired to produce this result, who will not admit that by far the most efficient is the change apparent in the present generation.

Is he not then to be admired, is he not worthy of all praise who has devoted the whole force of his character, who has spent the best years of his life in the promotion of such an end—an end the most honorable, the most important. Why else have the names of Socrates and Plato, of Aristotle and Seneca, of Franklin and of Lancaster descended to posterity accompanied by the blessings of millions of their fellow-beings? The victories of Trojan and the miseries of Belisarius have been made immortal by the pen of the historian, but the same page commemorates the virtues of Pliny and the efforts of Ulpian. So long as there is moral beauty in virtue and so long as good actions shall attract the respect of

men, those who have been eminent in the advancement of human happiness will receive evidences of their veneration.

On this occasion then do we not feel proud that we have this day laid the foundation whereon shall stand a monument sacred to virtue and to intellect—that we have sent forth the herald who shall proclaim to future ages the worth of our lamented president and brother, and shall enroll his name among those who have been called the ornaments and the benefactors of mankind.

And who are they who thus perpetuate his worth? Are they men united to him by consanguinity or connection, who would fain flatter their own pride by a monument to their family? Are they those who have received from him some gratification of self-love, or been bound to the act by obligations of duty? Are they men disposed to sacrifice to power or to flatter the unworthy? No; they are men who have known him for years; who have been his pupils and his friends unconnected by any personal ties; men, who like St. Paul, have sat at the feet of Gamaliel, and many of whom are honored by their country's highest estimation. Influenced only by respect for his virtues, love of his character and admiration of his talents; they, with one accord, offer this testimonial of esteem, and would tell to after ages that in his life Maxey was respected and in death was he deeply lamented. Lamented not by them alone, but by his country; lamented by the learned and the unlearned, by the philosopher and the patriot, by the citizen and the stranger.

Who can imagine the loss to his family? To them he was a kind and indulgent parent—a father the most affectionate and mild. He was their never-failing friend; their all in all. Snatched from amongst them, they find no consolation to their sorrow; save in what we this day offer. Their o'ershadowing oak has been torn down by the tempest—the spring has returned with its showers, but, alas! no green leaf has arisen to them.

In the character of Dr. Maxey there was much to admire and to imitate. Unassuming and unpretending he sought not to thrust himself on the notice of the world, but was content with the stand which his attainments necessarily gave him. As a theologian and metaphysician he was profound and discriminating. His reasonings upon the doctrines of religion have often forced conviction upon the most sceptical. His positions were so firm, his deductions so clear and the conclusions so demonstrable, that it were impossible to resist. With all this, the ardour with which his mind glowed, the eloquence of his manner chained the attention of his hearers. So clear, too, were his conceptions, that the darkest and most obscure ideas of Locke, Kaimes and Reid were rendered apparent to all who heard him. Their errors were exposed and their doctrines examined with a perspicuity and precision the most accurate.

To these unusual powers Dr. Maxey united a faculty of entirely commanding the passions of his pupils. Their most violent ebullitions he has controlled by appeals to their better feelings; and at the same time that

they feared his justice, they regarded him with affection. No voice was heard save in his praise; veneration of his character swallowed up all other impressions. We lived beneath his eye loving and respecting him, and the remembrance of his kindness made our departure from him more grievious. To such a man, fellow-members, we have this day paid a tribute of respect—his memory we have consecrated by an act now registered in the archives of time. Peace to his ashes, and to his fame we all unite in proclaiming "*Esto perpetua.*"

"INFLUENCE OF FICTION ON THE MIND."

SALUTATORY AND ORATION DELIVERED AT COMMENCEMENT SOUTH CAROLINA COLLEGE, DECEMBER 6, 1819.

Senatores Illustrissimi, Legumque latores spectatissimi, salvete:

Civium vestrorum, inempta suffragia vos ad summam, in hac civitate, potestatem provexerunt. Illorum felicitatem omnibus numeris explere atque stabilire, illorum libertatem legesque domi militiaeque, defendere, vestrum est. Ad hunc finem tam pulchrum tamque laudabilem attingendum, nulla sane inveniri possit res aut utilior, aut certior aut blandior quam Scientia longe lateque per patriam diffusa. Nullum unquam aliud vel magis suæ dominationi aptum fundamentum optavit et exquisivit Tyrannus immanis, quam ignorantiam: nunquam vera Libertas sine doctrina bonarum que artium cognitione, extitit vel perduravit. Crudelis aspicit Tyrannus ægida Palladis fulgentem et seipsum in lapidem exiturum sentit; contra autem unusquisuue fautor atque patriæ cultor sincerus, intemerato corde, horribilem Gorgonis imaginem intuitur, et gloriæ, virtutisque spem novam in mente renascentem invenire videtur. Jura novisse id demum est jura servasse. Quæ cum ita sint, non aliter potest esse, quin hanc scholam atque domicilium musarum intenta atque benevola mente intueamini. Vestra munificentia has ædes excitavit: Hæc quies, hoc otium prudentiæ vestræ debetur. Non solum res necessarias sed amænitates quoque suppeditastis. Nec irritos labores, sicuti speramus, inistis. Non est locus ambigendi, Senatores optimi, dum ante oculos tot excellentes viros, tantis animi dotibus pollentes, maximisque Reipublicæ muneribus fungentes video—quorum adolescentiæ hic etiam adsunt vestigia. Fructus autem solicitudinis vestræ hodie cernitis. Venit hora qua his umbris, hique gaudiis renunciandum est. Faxit be-

nigne Deus, ut curæ vestræ recentiores, æque ac priores, vestris votis satisfaciamus.

Consul supreme, hujusce Reipublicæ Custos atque Gubernator excellentissime, salveto!

Senatores utriusque ordinis, nomine et auctoritate populi agentes, te ad summam dignitatem ap sud nos appellarunt. Alii jactant imperia non meritis sed hæreditate, non consensu civium sed vi et armis adepta, gaudentes omnia proprio arbitrio atque libidine prosequi. Sortem longe nobiliorem tu, vir eminentissime, nactus es. Liberorum hominum per corda regnas; patriam non tricis inanibus sed virtutibus moribusque exornas; gravitate animi, sedulitate, vigilantia atque constantia propugnas. Perge, vir optime, ut facis, omnia officia amplissimi muneris tui excolere; et si inter tot tantaque negotia quibus implicaris, possis nonunquam Musis vacare, hanc quoque earum sedem fovere atque confirmare, digneris precor.

Curatores Academiæ Carolinæ Meridionalis, viri omni amore atque veneratione digni, salvetote!

Hoc inter se commune habent ingenui animi, ut iis suave sit laborum feliciter peractorum meminisse. Miseris succurrere dulce et decorum est—tristium ab oculis lachrymas abstergere et illarum in locum risus lætitiamque sufficere haud sane levis aut spernanda voluptas. Attamen si in hominum corporibus sublevandis adeo magna existit jucunditas, qui quæso, debent esse animi affectus cum de mente ipsa solanda et ejusdem calamitatibus auferendis agitur: Facultates scilicet sopitas expergisci; ignes ætherios suscitare, erroris umbras discutere, et ubi olim caligo regnavit, ibi lucem veritatis infundere—divinum certe opus, quod etiam vos, viri egregii, erga nos absolvistis. Vestro hortatu, vobis adjuvantibus pax benigna salutiferaque Scientiæ undique per terram hœsitantibus et offendentibus porrigitur. Cura vestrane nostrum quidem Collegium cum aliis alibi uspiam existentibus, conferri formidet. Iam olim uberrimos proventus solicitudinum demum messuistis. Hac de sede manant quasi Helicone altero rivuli, quos juvat Dia Libertas accedere, gaudens reficere alas, quibus altius in coelum vehatur. Ob tanta in nos cumulata beneficia, ex imo corde, gratias agimus.

Hujusce Collegii Præses venerande atque carissime—Salveto! Ubi cor maxime afficitur, ibi solent verba plerumque destitui. Praclariora sunt tua merita quam quod nostro egeant præconio. Sit nobis saltem permissum hic in memoriam revocare placidum vitæ cursum quem sub tua benigna tutela degimus, florentes studiis otii nequaquam ignobilis. Te duce, te monente, præeunte, hortante, præstolante, nil per longos Scientiarum tractus, aut nimis arduum aut ineluctabile, vel nostræ tenuitati desperandum, obvenimus. Collegium nostrum, te, exempto vitæ tuæ eximiæ, illustrantem vidimus; vidimus prudentia moderantem; ingenii perspicacitate luminibusque undique collatis erudientem atque sustentantem. Heus! hæc oblectamenta fuerunt; in posterum heus! nun-

quam reversura. Vocem istam tuam patris ex die in diem animi arcana detegentis et ad visum exponentis; elegantias literarum monstrantis; viamque virtuti honoribusque indicantis; posthac nulla felix auscultandi occasio redibit. Recordatio autem præceptorum æque ac beneficiorum quœ a te excepimus, dies nullus, nisi supremus, delebit.

Bonarum artium apud has Ædes Professores, dilectissimi Præceptores, Salvete!

Dies Comitiorum in hac nostra Academia habendorum iterum revertitur. Nobis omnino faustus esset futurus, si non secum duram attulisset necessitatem a viris adeo amatis atque existimatione dignis discedendi. Labores, quos in nostrum mentibus erudiendis larga manu expendistis, debent certe nostram reminiscentiam commovere. Quamdiu vitales auras carpamus, imagines vestri nostris pectoribus infixœ, manebunt, ubique habitemus, quibus in negotiis versemur, utilitas institutionum vestrarum eminenter elucebit. Talibus magistris in omni genere doctrinæ, tantis omnium vitutum exemplis perfructi, si parentum, si patriæ, si vestrum votis expectationibusque minus respondebimus, nobis erit dedecori non vobis.

INFLUENCE OF FICTION UPON THE HUMAN MIND.

The prosecution of virtue and the consequent attainment of happiness are the true objects for which man was formed. To enable him to overcome the temptations which surround him and the difficulties which arise in successive view before him, the principles of passion were implanted in his nature. Directed by their voice and instigated by their impulse, he is urged to the performance of actions, from which the feeble eye of reason would turn with dismay, and the powers of understanding would shrink back with horror. To awaken such principles and by reiterated exercise to breathe into them an habitual aspiration after virtue, requires the continuous action of some powerful excitement. But alas! for man—truth alone is not always sufficient to produce this effect and the genius of virtue without any foreign aid would droop and perish forever, like the chilled flower of autumn. The page of experience has portrayed to our view the patriot struggling to support his country through the stormy billows of contention, and elevating her to the highest pinnacle of grandeur. The influence of power has been unable to contaminate his generous breast and his character has stood unassailed by the shafts of envy and uninjured by the furious attacks of calumny. Prosperity, as if conspiring to reward his virtue, has extended her wings

over his head and the voice of opinion proclaims aloud his merits. But in an instant the thunder of popular frenzy hurls him from his station and prostrates him to the earth. The demon of detraction now seizes his character and the envenomed arrows of malice pierce his bosom. The vortex of destruction swallows within itself every thing dear or desirable to him on earth, and the stroke of despair leaves him desolate and miserable. The pitiless storms of adversity open their rage upon his defenceless head, and exhausted and overcome he sinks a persecuted wretch into an untimely grave. Such has been the melancholy reward of unspotted virtue—such the sad recompense of generous patriotism But the page of truth present a yet more discouraging picture to our view. We have seen the wretch whose soul is contaminated by every cruelty which can pollute, and every crime which can defile the human character, exalted to the very summit of prosperity. No means which vice can invent, or hell itself devise, to attain the object of his ambition can appal his undaunted soul. The cries of the dying infant and the heart-rending shrieks of the supplicating mother to him are familiar. Rivers of blood flow around him and he looks upon their progress with savage delight. Destruction and death have prepared his way, and misery and ruin follow in his footsteps. And such a wretch has received the reward due to the most unexampled virtue. Such a monster has been exalted to the highest pinnacle of human greatness. Is not this sufficient to damp the ardour of the most intrepid soul? Is not this enough to destroy all hope of inculcating virtue by the relation of truth? Where, then, is the human mind to found its expectations? Where are the votaries of merit to find encouragement for their exertions? The voice of nature directs to the extended arms of fiction; the finger of experience points to her happy mansions, and the instigations of reason urge on to their fruition.

In order to a more complete elucidation of the nature and effects of fiction, it will be necessary to consider the means by which it operates upon the passions. The human mind, though engaged in the contemplation of subjects which call forth the whole energies of the soul, though guarded by all the powers which reason can summon to its aid, can never secure itself from the inroads of imagination. The philosopher may bend down his faculties to the abstruse speculations of general science, he may endeavor to confine himself wholly to the abstract pursuit of metaphysical knowledge; but with all the powers of his understanding here necessarily called forth, he cannot resist efforts of fancy. Ever vigilant and attentive, she seizes the moment when a partial lassitude overcomes his frame, and with unremitting exertions she at length subjects him to her dominion. The Indian savage is not more patient or more watchful for his prey; the ardor of his pursuit not more ceaseless or more triumphant. No sooner does the ever-active memory bring to the mind some fascinating object but she improves the opportunity

and prostrates her victim at her feet. Reason, overcome by her power, flies from the contest and leaves her votary at the mercy of the conqueror. Painted by her hand, every object which remembrance offers to his mind assumes the glowing colors of reality, and animated by her influence, every incident passes in actual review before him. Unconscious of the perceptions of his senses and impervious to the operation of external matter, he is wrapt up in the feelings of his soul and rushes down the stream of imagination. Borne away by a resistless impulse, he sees the past present before him and views as in reality objects which are immeasurably distant. Transported by enchantment, he becomes a spectator of every scene and an agent in every occurrence. The veteran soldier, who has spent his life in all the dangers of war, whose resting-place is the barren rock and whose canopy the heavens, forgets the hardships which he is suffering and passes in pleasing transition to the exploits of his youthful days.

The battles of his early fame rise up before him and he views with eager delight the field on which he gathered the brightest laurel which decorates his brow. The prospect animates his soul and he is prepared to meet the foe. The contending warriors, like two mighty torrents from the mountains, rush upon each other and mingle in the bloody strife. The clangor and the din of arms resound from every side; the inspiring trumpet sends forth its war-like accents, urging on to deeds of valour. The engines of destruction pour their thunders thick around; the blazing flashes, like the faint coruscations of an exhausted cloud which ever and anon shoots its pale ray across the horizon, pierce the darkness which is gathering upon the view. The clashing of the swords of hosts innumerable, the shouts of the combatants and the groans of the dying, sound upon the ear, and at length all is lost in the loud triumph of victory. If such, then, be the power of imagination, and that it is experience cries aloud; and if reason and reality be so lost in the agitation of the moment—if the emotions excited by a particular remembrance and a vivid description of facts be of the same nature—can there be any difference whether this description is really true or depicted by the pencil of fiction? If the action of the senses can thus be destroyed though for an instant by the influence of truth upon the passions, is it to be supposed that with the same kind of excitation, reflection will offer its assistance to detect the fallacy of fiction?

But fiction has a yet more extensive power over the human mind. The narrator of facts is confined within certain limits beyond which he cannot pass; he has before him but a single page of the book of nature, and it cannot excite surprise if in this fragment the dispensations of Providence should appear unjust. Restrained, however, by this semblance of inconsistency genius forgets its powers and sinks in despair. But the writer of fiction has before him the universe—he can select, vary and complicate his plan so as to embrace any object which he deems worthy

of pursuit. The experience of mankind, the faculties of his own nature, the whole creation offer materials to his work. The passions of the soul are at his command and he can mould them at his pleasure. He is able to awaken their energies to deeds of valour, draw forth their sympathy for the sufferings of the unfortunate and allure them to the path of rectitude. The streams of Pieria roll along their gentle currents to waft their beauties to the throne of fiction. The muses of Parnassus decked in the garlands of spring convey their choicest flowers to adorn her altars.

Like the morning beam, breaking from the lofty summit of a cragged mountain, and shedding a beauteous resplendency upon the vale below, so does the approach of fiction illumine the far-extended fields of poetry. Blossoms and flowers spring up from beneath her feet, and the mantle of pleasure covers every object around. Enlightened by the splendor of her presence and released from the shackles of darkness which had hitherto enthralled him, the genius of eloquence bursts forth in all his native effulgency, and astonishes the world by the vastness of his power. Fostered by her smiles and cherished in her bosom, the goddess of virtue raises her drooping head and again shines in all her original majesty. Her votaries, who had almost revolted from her impotent dominion, now receive encouragement from her lips and she urges them on to their destined course. The voice of fiction is heard exciting them to action; in one hand she displays happiness and honor as rewards to their exertions, while from the other she hurls the thunders of infamy upon the enemies to their progress. The mansions of never-ending peace appear before them, and no enemy dare impede them. The dark clouds of adversity, which seemed only waiting for their approach to pour down their torrents upon them, are no longer to be seen. The monsters of destruction and misery, which ever and anon had thrust forth their mis created fronts to intimidate them in their course are prostrate at their feet, and the insuperable difficult ties which before obstructed their path are now levelled to the earth. A serene and beauteous prospect, bounded only by the blissful mansions of felicity lies extended before them, and, like a gentle stream, rolling in tranquillity along its fragrant banks, they pursue their way to the ocean of enjoyment.

"TO AFFORD AID TO THE BLUE RIDGE RAILROAD."

SPEECH OF C. G. MEMMINGER IN THE HOUSE OF REPRESENTATIVES OF SOUTH CAROLINA, DECEMBER SESSION, 1858.

Mr Speaker,—In discharging the duty which is incumbent upon me as chairman of the committee which has reported the bill on your table, I acknowledge myself to be oppressed with a weight of responsibility.

Four years ago the State embarked with the city of Charleston in the enterprise of scaling the Blue Ridge by a railroad. Each embarked one million of dollars, and the State (to encourage the work) undertook to guaranty a million more. Private individuals added two hundred and fifty thousand dollars, and the work has steadily progressed, until over one-third of it is accomplished. Of the great tunnel through the Blue Ridge, more than one-half is finished; of the whole grading in South Carolina, three-fourths are completed, and nearly one-half of the mountain grading in Georgia; of the great tunnel in Georgia, more than one-fourth is completed; one-half of the bridge masonry in South Carolina is done, and many thousands of dollars have been expended upon the culverts and other work. More than two millions of money have been laid out in this great work, and must now be irrecovably lost, if you abandon the enterprise, and with it the character of the State for constancy and perseverance.

Other nations have spent millions in rearing monuments to their energy and skill. Even now, the Egyptian monarchs who reared the colossal structures at Karnac and Philae live in our imaginations as some gigantic race. Cephrenes, as he silently slumbers in his pyramid, and Rameses, as he sits in serene majesty upon his gigantic throne in the desert, elevate our conceptions of the power and skill of man. And when we turn westward, among those nobler monuments of art and science which bear witness to the genius of Greece and Rome, we bow in reverence before these master workers of our race. Amidst the ruins of Greece, the Parthenon and the temple of Theseus still exhibit themselves as the fitting abodes of the magnificent creations of Phidias and Praxiteles; and the structure which we are now rearing for our capitol, borrows its choicest decorations from the genius of Athenian artists. And to descend still further down to the absolute *utilia*, no one who approaches Rome upon the Appian Way, can withhold his admiration from that noble race which graved its name and its institutions upon every spot of earth which it visited, and which, amidst all its ruthlessness and its crimes, stamped the nations into civilization, and encircled them with a wreath of peace and good order.

Modern nations, too, have one and all sought to rear monuments to their genius and enterprise. Amidst all his schemes of conquest, Napoleon had never forgotten the example of the Romans, and one of his noblest monuments still stands at the Pass of the Simplon. The very soil of Holland is a monument to her ancient perseverance and energy, while England, in every part, from the Menai strait to the Caledonian canal, is a rich mosaic of enterprise, the living witness of her constancy and skill.

Our own country, although the latest to enter these lists of noble daring, has not been found wanting. Everywhere, from Canada to the Mississippi, have noble works been undertaken and accomplished. The teeming valleys of the West have been the great prize in view. Each

State, in turn, has put forth a mighty effort to gain it. Massachusetts, New York, Pennsylvania, Maryland, Virginia, North Carolina, Georgia, each and all have entered this great arena, and each and all have accomplished what they attempted. South Carolina, also, has entered the lists. With a seaport superior to many of the others—with advantages far beyond her neighbors—young, vigorous and unencumbered by debt, she boldly put in for the prize; she commenced the race, she had half finished her course, but, alas! the courage of part of her sons has failed, and they would compel their more ardent brethren to rein in their gallant coursers, and, by a sudden change of purpose, to overturn and break in pieces the noble chariot which has already half-scaled the mountains. Other nations have reared monuments to their skill and perseverance, but in the half-finished tunnels, in the crumbling bridges and ruined cuts through hills and mountains, South Carolina is to leave a monument of inconstancy and feebleness. Other States had undertaken and accomplished the passage of the mountains. South Carolina, if she now abandons, is to show that she had zeal and energy to begin, but wanted constancy and perseverance to accomplish.

For one, I can never consent that such a page be written in her history. I would rather take the money which we are lavishing so wastefully on the capitol before us—I would rather submit to any increase of taxation —to avert so degrading a result. I shall presently show that the work can be accomplished with a very small addition to the taxes; but when it is proposed to abandon a work which has already cost more than two millions of dollars, at such a loss of fair fame to the State, surely every one of her sons will be ready to make some sacrifice. How else can we, in times to come, give an answer to our children, when they shall ask us, what means this half-bored tunnel? these gaping clefts in the hills? these bare and wasting embankments? Will it not humble us to the dust to be obliged to answer: These are the monuments of our folly; we coveted a great prize—we started in the race—we began to build, but we had not the courage to go on.

I appeal, then, to every section of the State to come up to the aid of this great work, and avert so dire a calamity. Let us take counsel together, and see if there be not some way of avoiding the loss and discredit involved in the abandonment of this work. If, indeed, the enterprise be beyond our strength, if it would involve the State in hopeless embarrassment, if the objects proposed by a Western connection have ceased to be valuable, then abandonment may be both wise and necessary. But if (as I am prepared to show) the objects still remain the same, and the enterprise can easily be accomplished with the means at our command, why should not every son of South Carolina unite as one man and urge forward its accomplishment.

I perceive with regret that many of our friends from the eastern part of the State are opposed to its prosecution. May I not claim their sympathy for the city of Charleston, which has, as it were, embarked her whole fortunes in the enterprise. That city and its representatives generously aided the Wilmington and Manchester railroad, although they knew it would carry away a large amount of travel from their own doors. The same city has, almost single-handed, opened another avenue to them by the Northeastern railroad. They have done what they could to aid the Cheraw and Darlington railroad. As the great centre of trade for the State, the whole State is interested in the welfare of Charleston. Is it not wise and judicious that the parent should extend a helping hand to a child who has exhausted his strength in an effort to promote the general welfare of the whole family?

And to the southern section of the State, may we not also appeal? Our friends from Barnwell, Colleton and Edgefield, surely have not forgotten that Charleston alone (and I may say unaided) constructed to their doors the Hamburg railroad, which has more than doubled the value of their lands, and given to them all the facilities which they now enjoy. The Charleston and Savannah railroad owes its existence also to Charleston capital, and the city corporation has encountered a heavy debt to insure its completion.

Our treasure has been freely brought out, and thrown broadcast over the land. The Charlotte and Columbia railroad, the Greenville and Columbia railroad, the Laurens and the Spartanburg and Union railroads, have all been nurtured by it. We have done what we could for your benefit from the very commencement of internal improvement. When you brought forward your schemes of canals and river improvements, we freely voted you our money. I say our money, because we pay nearly one-fourth of the taxes of the State. When, therefore, you spent the millions on your Rocky Mount canal and other public works in the middle country, we hesitated not to come to your aid; and from the Saluda Mountain road to the Columbia canal, Charleston will be found to have been a fast and continuing friend of every projected improvement. Are we not entitled, then, to claim your sympathy and co-operation in this Blue Ridge enterprise, which we have undertaken together, and into which we would not have embarked our means but for the encouragement and aid which your co-operation had promised.

It is true that the State did not directly pledge herself to its accomplishment. She did not say, in so many words, that she would undertake and carry out the work, but she certainly did so indirectly, and she is bound to go forward upon the same principle which requires every man of honor to fulfill expectations which he has created and fostered. It is true that you prescribed certain conditions to the guaranty of the bonds of the Blue Ridge company, but you were informed a year ago that, by the fail-

ure of Bangs & Co., those conditions had become impracticable, and you were then invited to express your determination not to go on if you intended to insist. You declined any such expression, and in consequence of that individuals have subscribed two hundred and thirty-five thousand dollars additional. Since then more than a million of your money and of the city's has been expended upon the road. You have, yourselves, encouraged the expectation that you would not abandon, and you are equitably bound to fulfill this expectation. Every consideration of national character, of elevated morals, and of kindly feeling, unite to prevent the abandonment of this great work.

The bill on your table, Mr. Speaker, merely proposes to dispense with the condition attached to the aid already agreed to be afforded. In 1854, when the State engaged in this work, she subscribed one million of dollars in stock, and agreed to guarantee one million of the bonds of the company whenever they could give reasonable assurance that additional means could be procured to make the road in North Carolina, Georgia and Tennessee. The State of Tennessee had agreed to furnish additional means in that State, and by a contract, made with persons who were represented to be good by the highest authority, sufficient additional means were offered to comply with the terms of the condition. The work accordingly was prosecuted with vigor, but the failure of the contractors disappointed the expectations of all parties, and compelled the president of the road to appear before the Legislature at the last session and to make the appeal already alluded to. The Legislature left the whole matter as it then stood and allowed the company to make use of the million of dollars of subscription already made. This sum they have expended in a vigorous prosecution of the work, and they now ask that the million of bonds may be guaranteed without insisting on the condition which the failure of the contractors has rendered it impossible for the company to fulfill.

The bill, therefore, asks no new subscription; it simply seeks to make effective the aid already granted. It is due to candor, however, to say that this really involves a grant of such further aid as will be necessary to complete the road with such assistance as may be had from Tennessee, for it is plain that Georgia, so far from aiding the road, would prefer its abandonment. It passes through a mere corner of her territory and is a competing route with her great State road. North Carolina, too, has her own plan for reaching the West, and as this road would materially affect her schemes, it is not reasonable to expect aid from her. Tennessee and South Carolina alone are interested in the road, and it is clear that if the road be made at all they must make it. In no part of the Union has individual capital been able to undertake a road passing through a mountain region like this. The undertaking is too extensive and the profit too remote to induce individual subscriptions It is, therefore, of necessity, a State work. Georgia so considered it when she expended five millions to make this single link in her State. She began her road in what was then

an Indian wilderness and carried it forward with a constancy which is worthy of imitation. While engaged in the work she actually had to sell her State bonds at sixty, and even at fifty cents in the dollar; yet she never faltered, and the Georgia State road now stands as her Appian Way to the valley of the great West. Virginia has scaled the mountains with her characteristic vigor at two points, and the road from Petersburg, through Lynchburg to Bristol, is already reaping a golden harvest for the means invested in it. North Carolina has carried forward her State road entirely by State funds, and it is clear that this road of ours must be accomplished in the same way.

This point, it seems to me, was settled here four years ago, when the State agreed to put two millions of her money in this road. It had, in fact, been settled twenty years before, when, under the counsel of the greatest men in our State, we chartered the great railroad to Louisville and Cincinnati. The aid granted to that road is almost identical with that asked now. The State subscribed one million of dollars, and guaranteed the bonds of the company for two millions more. And although that great work was abandoned, from causes beyond our control, yet it has been the mother of all our interior railroads, and has not cost the State a single dollar of her money. In fact, although the guaranty yet continues, the State has well-nigh forgotten it, because the South Carolina railroad company is so well able to discharge it. This Blue Ridge railroad proposes the same objects which were proposed by the Louisville and Cincinnati road. Like that, it asks State aid, and the same three millions which were given to the former, is precisely what is required for the latter. That was voted under the sanction of Hayne, Hamilton, Blanding, McDuffie, Elmore, Davie and a host of other true sons of the State; and surely there are as many of her true sons now willing to hazard as much of their future earnings for her welfare.

It surely will not be said that the objects to be attained by a Western connection are less desirable now than they were in 1836. Is Southern commercial independence less desirable now than it was then? Is a band of iron, connecting together the Southern and Southwestern States, less desirable now than was one between South Carolina and Ohio in 1836?

The Blue Ridge railroad has taken the precise change of direction which events have shown to be most desirable. It substitutes a connection with Tennessee, Alabama, Mississippi and Kentucky, for one farther North, with Ohio and Indiana. It takes the very route which Mr. Calhoun, Mr. Poinsett and General Gadsden, as far back as 1836, pronounced to be preferable to that by the French Broad.

And is Southern commercial independence no longer an object worthy of effort? If we will but review the history of the last two years, we will see that a release from the trammels which bind our commerce to Northern cities, would, by the savings of that period alone, have sufficed to build this road.

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We may all remember that in the summer of 1857, our whole Southern country was in the enjoyment of tranquillity in its business. Cotton bore a good price and ready sale. Our customers in Europe had met with no disasters, and were steadily working up our products. Suddenly a blast from the Northern banks blew over the continent and overturned commercial credit. It reached across the ocean, involving our foreign customers, and along with it were involved our own banks. Then came a sudden fall of Southern produce, and the result was a loss to the entire Southern country of nearly one-third of the value of the whole crop. The sole, the entire cause of this disaster, was Northern speculation and irregular business. *Our* business was free from convulsion, our finances were involved merely by our connection with the North. And if we had been dealing directly with our customers in Europe, both they and we would have escaped from disaster. Where is the necessity of employing a third party to intervene between us and our customers? We need their manufactures and they need our products. Why should we not manage the exchanges ourselves?

It was the noble effort to effect this result that induced our master minds to undertake these Western connections. It was observed that since the age of conquest, commerce and maritime importance depend upon internal communications. The Erie canal and the Hudson river had given the start to New York. Boston had secured herself by reaching across with a railroad to the Hudson. Philadelphia had been joined to Pittsburg by a magnificent chain of public works; and Baltimore had doubled and trebled her commerce by the Baltimore and Ohio railroad. Richmond and Petersburg had stirred up the ancient Dominion to open lines for them to the great West; and Savannah on one side of us and Wilmington on the other, had by the vigorous and well directed efforts of their respective States, extricated themselves from their original condition of isolation; and if any one would desire to realize the value of such efforts, let him remove in imagination Charleston and these other cities from their connection with railroads, and picture to himself the solitude and desertion which their streets would exhibit.

In respect to Charleston, the inducements to this Western connection have within the last four years been greatly increased. By judicious efforts directed to her bar, ships of much increased draught can enter her port, and there is every reason to hope that a continuance of these efforts will give her one of the best ports at the South. Within the last twenty years (since the great fire of 1838) the city has almost been entirely rebuilt in a style and upon a scale that does credit to her taste and good judgment. Instead of a hamlet of wooden structures, she is now a city of brick, and if by the mercy of God, she can find means to exclude the pestilence which has recently so sadly afflicted her, she may take her place as the true emporium of Southern commerce.

A great and unnecessary link in the chain of second causes to her advancement, and with her's to the advancement of our whole State, is this great railroad communication. Shall it be abandoned? Shall the chain which has already cost us two millions of dollars be broken and the whole be cast into the sea? This is the great question now before us; and to its proper solution it is necessary to pursue the following inquiries:

1. What will it cost the State to go on and complete the work? 2. Are her resources competent to pay this additional cost? 3. Will the road compensate for such outlay—or is it more to the advantage of the State to abandon what has been paid?

1. What will it cost the State to go on and complete the work?

In pursuing this inquiry, I assume that no additional aid is to be derived from any other State. Although I think there is a reasonable certainty that Tennessee will increase her contribution whenever she is satisfied that the road will reach her borders, yet I admit that at this point of the inquiry, it is proper to confront the whole difficulty, and assume the least favorable view.

The estimate of cost for the road as settled by Colonel Gwynn, has been proved to be reliable by the work already done. It is based on contracts for the most substantial kind of work and sets down the whole cost at $7,725,677. The work already done has cost $2,126,539, so that there remains to be done $5,599,138.

To meet this balance the company proposes that the State shall release the condition attached to the one million of bonds, authorized to be guaranteed by the act of 1854. These bonds, with the funds in hand, will enable the road to be prosecuted vigorously during the coming year; at the end of which they propose that the State shall subscribe one million of dollars to the stock of the road. With this subscription the road can be vigorously continued for another year; and such will then be the confidence in the final completion of the road, that there will be little or no difficulty in disposing at fair prices of the mortgage bonds of the company. Similar bonds have already built all the roads in our State, as well as elsewhere. The outlay on the road would then be sufficient to secure both the mortgage bonds and the guaranty of the State, both of which are already protected by a mortgage on all the roads. The means of the company would then stand thus:

1. Resources of company yet on hand, per president's report,	$ 945,178
2. State guaranty	1,000,000
3. State subscription	1,000,000
4. Tennessee subscription	640,000
5. First mortgage bonds	1,308,000
Total	4,893,178
To pay	5,599,138
Deficiency	$ 705,960

This deficiency, it is believed, can be met by increasing the mortgage bonds to that extent, inasmuch as they would constitute a lien upon a work then certainly worth its cost, say, $7,725,677.

According to this programme, the whole amount of additional subscription required of the State will be one million of dollars, to be subscribed at the end of next year. The one million of guaranty, which is now to be given, is secured by a mortgage upon the road already executed in conformity to the act of 1854. If the road progresses, this guaranty is fully secured, and will call for no money from the treasury. The bonds guaranteed are the company's bonds, and the company must provide for the interest. The interest on the State bonds, issued for the first subscription, has been hitherto paid by the bank, and will continue to be paid; so that the only payment which will be required from the State treasury will be the interest on the million of subscription proposed to be asked for next year. The whole interest of the State in the road completed on this plan, will then be—

1. The subscription already made and spent	$1,000,000
2. The second subscription asked for	1,000,000
3. The State's guaranty of the company's bonds, secured by mortgage	1,000,000
Total	$3,000,000

Suppose, in the worst aspect of the case, the deficiency of $705,960, expected to be raised, as above stated, from mortgage bonds, should be cast upon the State; it surely would not be equivalent to throwing away the million of dollars already actually spent upon the road. So that the just and fair aspect of the whole extent to which the State is to be involved, is for one million of additional subscription and one million of guaranty.

I have not taken into account the money requisite for what is called the rolling stock of the road, for the reasons assigned in the president's report. These can be purchased from the current income whenever the road is in operation, and in the same manner as is common with other railroad companies. In the inception of the road the amount required will be small, and can be increased from time to time as the business of the road increases.

2. This brings us to the second enquiry: Are the resources of the State competent to meet these demands?

The assets of the State of South Carolina consist of—

1. Sundry railroad stocks, set down at par, at	$2,142,000
2. Bank capital, sinking fund, and fire loan	4,132,098
	$6,274,088

The railroad stocks, above set down, would not be available to pay off debt at the present time; but in estimating the actual resources of the

State, they are to be considered with a view to their prospective value some twenty or thirty years hence, when the bonds of the State become payable.

The actual debt of the State consists of three items:

1. The balance due upon the fire loan of Charleston $1,239,000
2. Debt for new capitol 1,050,000
3. For Blue Ridge 1,000,000
4. Some small items not sufficient for present consideration.

The first item becomes payable at intervals, so arranged as to be met by the bank, which, in fact, has loaned out the money. Arrangements have been made by the bank to pay off $400,000 of this amount from its income on the 1st January, 1860, and the balance when it becomes payable; of course every payment upon this debt leaves so much more of the future income of the bank free for other uses. Consequently, the available income of the bank will reach from two hundred thousand to three hundred thousand dollars annually; and the debt of the State, if made payable in instalments not to exceed those sums, can, therefore, be paid from the income of the bank without diminishing its capital. Thus, in twenty years from 1860, the bank could be able to pay, in this way, from six to eight millions of dollars. All that is requisite is to leave its income free. This involves the payment of interest by the State. In other words, if the State treasury will pay the interest on any debt created for the Blue Ridge railroad, or for the capitol, the bank can pay the principal, if you give it time; the time must be in proportion to the extent of debt incurred. Six millions can be paid in twenty-five years; nine millions in about thirty years.

The result of this examination is, that if the State subscribe one million more to the Blue Ridge railroad, the treasury will be called on to pay the interest, amounting to sixty thousand dollars, which is equivalent to an increase of an eighth upon the taxes of the last year. And so, if the State shall embark two millions, the taxes will be increased one-fourth, or just about nineteen cents a head on each negro; and so in proportion on lands and other subjects. Every man can measure, therefore, the additional burthen which this great work will impose upon him, in any event, by calculating what is one-fourth of his tax paid in 1858. When this figure is ascertained, there will be but one opinion as to the perfect competency of the State to meet this demand upon her treasury. Surely, no citizen will hesitate to pay this small additional sum to save her from the loss and discredit of abandoning this great enterprise.

3. We come, now, to the third enquiry: Will the road compensate for this outlay? or shall the State abandon the amount already spent?

I have already presented to your view the first great consideration which has led to these western communications. I have shown you that

all the statesmen to whom South Carolina has looked for counsel during the last twenty years, have united in advising her to attempt that connection. Even here, the opponents of the relief now asked for, are obliged, indirectly, to sanction the scheme of a western connection. One of our leading opponents said, that when the bar of Charleston was further deepened, it would be the proper time to open this connection. Another, in a speech on a former occasion, opposed this scheme, but advised a new one, to start from Port Royal, which was to absorb both the South Carolina and the Blue Ridge railroad. The honorable member from Union has actually introduced a bill, proposing that the State shall indorse one million of bonds for the French Broad railroad. All these antagonists thus pronounce a definite judgment in favor of the connection. They merely differ as to time and circumstance; and thus leave a mere fragment of the State in opposition to the project of western connection.

We are, therefore, warranted in saying that, for twenty years past up to the present moment, the judgment of the whole State has been in favor of a railroad connection with the West. This judgment is a considerable advance to our third proposition, which affirms the road to be worth all that it will cost the State.

But it is said that this judgment may be erroneous. We will, therefore, test its correctness by consulting the judgment of others fully competent to the task. It is generally considered a fair means of testing the value of any article, to ascertain what others have paid or are willing to pay for it. Our nearest neighbor, Georgia, has furnished us with her judgment by constructing the State road from Atlanta to Chattanooga. This road cost between five and six millions of dollars, and has been built entirely by the means of the State. For many years it paid nothing. But the Georgians never faltered on that account; and after years of struggle, the road now pays a full return upon the investment and can actually be sold for all that it has cost. At each end of it a flourishing town has arisen, and many villages along the route. And to the honor of Georgia, let it be said, that she hesitated not to lay out her money, although she knew that at one terminus her seaport would have to divide the profit with Charleston; and at the other Tennessee would reap to herself the entire advantage of the new city which now must spring up there.

On the other side of us, Virginia has evinced her estimate of the value of this connection by a railroad across the mountains from Lynchburg to Bristol, and thence by Tennessee to Knoxville. This road has been constructed by the State at a cost far exceeding the amount paid by Georgia, and is now in successful operation, and it has already brought to Richmond and Petersburg a goodly portion of that harvest which is really ours if we will put in our sickle.

North Carolina has aroused herself, and, like a giant refreshed with wine, has set about her work with a vigor which has despised all prudential considerations. Her sole object has been to develop her own State resources, and she has laid down a splendid railroad from the sea-coast to the very foot of the mountains, passing through the greatest length of her State, and she is preparing to advance it to the western valleys. The whole work has been done and is supported at the expense of the State alone.

It would be wearying your patience to go over the beaten track of the Baltimore and Ohio, the Pennsylvania, and the New York railroads. I will merely refer you to the more recent efforts of Alabama, Mississippi and Louisiana, all of which States have encountered heavy debts to connect themselves with the region which the Blue Ridge railroad reaches. Each and every one of the States referred to have laid down much larger sums than that which the Blue Ridge railroad will require at our hands, and each and all are quite content with their bargain. In fact, their success has extinguished the voice of opposition.

If, then, this connection is found to be so valuable by other States, why should it not be equally so to South Carolina?

From Knoxville to Richmond the distance is four hundred and fifty-six miles; to Charleston by the Blue Ridge road via Columbia it is also four hundred and fifty-six miles, but by New Market it is only four hundred and ten miles. But Richmond is one hundred and sixty miles from the sea, and about thirty-eight miles from its shipping port on York river. Charleston, being directly on the sea, has then an advantage of 46 + 38 = or 84 miles over the land transportation to Richmond, and, as seaports, she has an advantage of nearly two hundred miles.

But when the comparison is made as to freights from Chattanooga, which is the true point of comparison, then Charleston receives on her side all the difference in distance which proposed communications will make between Chattanooga and Charleston. The shortest route between these points will be four hundred and five miles; between Richmond and Chattanooga it will be five hundred and sixty-eight miles—difference one hundred and sixty-three miles. The other and longer route to Charleston still makes a difference in her favor over Richmond of one hundred and two miles; so that in any event the competition with Richmond is greatly in our favor as to distance.

But when it is considered that the products of the Tennessee valley are the same which reach Richmond from Virginia and other quarters, it is evident that the carriage thither is, as it were, taking "coals to Newcastle." While, on the other hand, at Charleston there is no competition, the market is clear, and the proximity of the sea, and of the West Indies particularly, furnishes an open door to the produce which will come there for sale or shipment.

So, too, with respect to those supplies which are consumed in South Carolina, the Blue Ridge railroad will be without a competitor. Bacon, instead of taking the present circuit by the sea from Baltimore to Richmond, and going up by railroad to Columbia, Newberry, Camden and other interior towns, will make but a short trip direct from the Tennessee valley to the same points. In fact, it must follow that these very points, with probably Anderson, and Greenville, and Unionville, and other towns, will form entrepots, from which these products will be distributed. It will only be one hundred and ninety-six miles from Knoxville to Anderson, and about three hundred and thirty to Columbia, which is actually less than the railroad transportation from Wheeling to Baltimore, over which the bacon which reaches us from Baltimore is now brought.

If we institute a comparison with Savannah we will find the following results: From Knoxville to Savannah the distance is five hundred and four miles. From Knoxville to Charleston it is by one route four hundred and fifty-six miles, by another four hundred and ten miles. The difference either way is in our favor from this point. But, as has already been said, I consider Chattanooga the true point of comparison. And here, independent of distance, Savannah has a decided advantage in the control which the State of Georgia has over the State road.

It follows from the very nature of things that this control will be exerted to give her every advantage. The daily experience of our merchants proves this; and it constitutes one of the principal inducements to open a new route under our own control. The entire Blue Ridge route will be under own management, and will, of course, be so governed as to give us a fair competition. By the present railroad routes the distance from Chattanooga to Savannah is four hundred and thirty miles; to Charleston four hundred and forty-six miles. By the Blue Ridge road on the shortest connection, it will be four hundred and five miles to Charleston; but upon the route now under consideration it will be four hundred and sixty-six miles. So that until the most favorable connection be made Savannah will have the advantage of thirty miles in distance to Chattanooga over Charleston.

Against this advantage must be laid the superior advantages of the port of Charleston, and the large amount of capital in that city. The skill and enterprise of its merchants, and the large amount of produce which will seek for markets, will, no doubt, give to Charleston its full share. Every mile towards the interior of the State gains in the diminished distance of transportation of the western products consumed by them; and the whole country gains precisely as though Providence had introduced a new navigable river into the geography of the State.

Few things could evince more strikingly the value of this railroad than the earnestness of the people in the valley of the Tennessee to unite with it. Before the road has passed the mountains, no less than five connections have already been projected towards it. One of these exhibits both

the zeal and the perseverance of the Georgians. A charter was applied for by them, to reach Chattanooga by a direct route from Clayton. The legislature of Georgia refused the charter. A second time the Georgians applied, and then it was granted. The governor of Georgia, deeming this connection disadvantageous to the State road, put his veto upon the charter. The persevering applicants again applied to the legislature, and, to the honor of that body, it was granted by a majority sufficient to overrule the veto of the governor.

Are we to suppose that a persistent constancy like this is blind and senseless? That the Georgians, who urged their claims to an outlet with a zeal and energy like this, were so ignorant as to imagine that they could make a railroad without transportation to sustain it. The truth is, that along the line of the projected route, copper mines of very great value had been found, and were pouring their ores down the routes of the other roads, and they knew that they would find a better route to the sea by the Blue Ridge road.

The other connections which this railroad opens, place us in a position to carry the produce of Kentucky, and part of the Northwest. From Knoxville a road has been projected to Danville, in Kentucky, and thence another goes to Louisville and Covington. So, too, if we indulge in further speculation, it is easy to see that the nearest route from St. Louis to the sea is by way of Charleston; and that all those connections with the Northwest, which are brought to a point on the Ohio at Cairo and Evansville, are opened up to us by the extension of the routes which centre upon Knoxville. But as I desire to keep upon what all will admit to be practical, instead of speculative advantages, I will not pursue these topics.

What has been urged seems to me to give a most decisive answer to the third enquiry, and to respond that the State will receive ample compensation for the outlay she is called upon to make for this road.

This conclusion will receive still more convincing support by considering some of the objections which have been urged against the road.

1. There are some who think another route, by the French Broad, to be preferable to this; and, as I have already said, a bill has actually been introduced into this house to grant to this scheme State aid to the extent of a million of dollars. I am afraid some gentlemen from the middle districts may find their judgments disturbed by this temptation. I can sympathise with them; for neither they nor their constituents could desire this road more warmly than myself. It would pass by my own door in the mountains, and give me facilities which I would prize very highly. But I am sorry to be obliged to confess that we have lost the prize, and that we cannot now regain it.

If this question were open it could be demonstrated that the Blue Ridge scheme is the better. The French Broad route goes entirely too far to the north and eastward for the present condition of things. It has

been shown that the competition of Richmond, Petersburg and Norfolk is more serious, the further up the Tennessee valley you meet it. The existing charters of the French Broad route require it to join the Tennessee road at Greenville, some seventy miles nearer to Richmond than Knoxville. But the French Broad route has another and an insuperable difficulty. The gauge of road adopted by North Carolina differs from ours, and the charter granted by that State insists upon her gauge. Our road, therefore, cannot unite with it. Moreover, North Carolina stipulates that she shall have the privilege of purchasing so much of our road as is in her State, whenever she pleases. And, finally, the only practicable passes in her mountains for a railroad are so far to the eastward that by a few encouragements the North Carolina State road, with the same gauge as the Mountain road, could easily induce the trade not to discharge itself upon another road where new arrangements must be made, and thus exclude our road from all participation in the trade.

Then the Blue Ridge route has better grades; the pass at Rabun Gap is only two thousand and seventy-three feet high, while that at the Butt mountain is two thousand one hundred and sixty-eight; and the difference of distance to Knoxville is, at last, only three miles in favor of the French Broad route.

If the comparison be turned towards Chattanooga, which is the true center of this western trade, the French Broad route would have to bear the added disadvantage of all the distance between Knoxville and Chattanooga; and this seems to put an end to the comparison.

But it appears to me that this question between the two routes was closed in 1854. Since then we have expended upwards of two millions of money; and the question really is, whether the French Broad route is two millions better than the other. He who thinks it is must have modes of reaching conclusions which other minds cannot pursue.

2. It is objected that the trade of the Chattanooga and Knoxville region is not sufficient to support the road. The income of the road, from Knoxville to Chattanooga, is assumed as the measure of the transportation, and as that is about two hundred and twenty-six thousand dollars, it is argued that it is not sufficient to pay this road.

The answer to this objection is twofold. First, the income of the road to Chattanooga is not the proper measure. The Tennessee river is navigable from Knoxville to Chattanooga; and the produce on board a steamer at Knoxville seeking a market, will not be discharged at Knoxville to take the railroad down to Chattanooga, but will continue in the steamer to that place. This latter mode of transportation offers so many advantages that at least two-thirds of the produce must take that course. Therefore, if two hundred thousand dollars worth goes by railroad, at least twice that amount keeps the river.

Again, a considerable portion of the produce at Knoxville takes the other end of the road and goes to Lynchburg, Richmond and Petersburg.

The measure of transportation assumed, therefore, is defective at both ends.

The other answer to the objection consists in the united experience which all railroads have afforded of the amazing increase of trade and travel which they create. I have lived long enough to have been a passenger in the stage which use to run from Charleston to Augusta. It ran three times a week, and considered itself fortunate to have six passengers. Two entire days and a night did we jolt through the swamps and pine barrens of Colleton and Barnwell; and it was a great achievement when Buckhead Causeway was surmounted without injury or delay. Let a person go this day and count the passengers and the produce which enters Charleston by railway between the same points, and he cannot be made to believe that a single life-time witnesses so amazing an advancement.

For many years this railroad scarcely paid expenses, and threatened its proprietors with ruin. Its stock actually sold in the market for fifty cents in the dollar, and now its income is a million and a half of dollars.

The same history may be written of many other railroads. Were not the same mournful prophecies uttered to deter the enterprise of Columbia from subscribing to the Greenville and Charlotte railroads? Fortunately, there were men here who refused to listen to such prophets. They induced the town to subscribe liberally, and their enlightened forecast is now exhibited in the improvement and advancing fortunes of our seat of government. Let these prophets tell us what Columbia would have been if the Greenville railroad had kept on the other side of the Congaree to Branchville; or, if the Charlotte railroad had gone down by Camden to Kingsville.

3. It is objected that the investments made by Charleston, in making these western roads, have proved failures.

This objection is founded upon a radical error. The two roads to the west, which have been assisted by Charleston, are the Memphis and the Nashville railroads. Both these roads are well situated, and are doing good business. In fact, the Memphis road promises to be one of the most productive roads in our country. The failure has not been in the value of the investment, but in its effects on trade. We hoped, and expected, that they would bring trade to the city. But it has turned out that the clashing interest of the various companies over whose railroads produce must go, have so raised freights, that it finds a cheaper outlet by the Mississippi river.

It was the apprehension of this very difficulty that has led to the effort to make the Blue Ridge road. It is confidently believed, that if the produce at Chattanooga, or Stevenson, could be placed under one direction, it would take its natural course to the Atlantic. Every natural advantage is in favor of that route, and it is contrary to every law of

trade that the produce of Alabama and eastern Mississippi should go westward. Even now, although Charleston has by no means the share which she ought to have, yet a considerable commerce subsists between her and the line of these roads, even as far as Memphis. As products increase, and New Orleans becomes more crowded, the share of the Atlantic cities must necessarily increase. The diminished freight, insurance, and length of voyage from Charleston to Liverpool, together with her better currency and command of capital, must, in the end, produce their legitimate results in favor of Charleston. The already protracted length of these remarks prevents my noticing more than one other of the objections which have been urged against this scheme.

4. It is objected, in various forms, that this is not legitimately a work in which South Carolina should engage in as a State. Some urge the objection in the form of a willingness to aid private capital, but an unwillingness to assume this road as a State work. Others take a position somewhat conflicting with this, and say that they cannot vote public money towards an enterprise which individuals would not undertake for gain. And again, others object that part of the State's money is to be expended beyond its limits, in Georgia, North Carolina and Tennessee.

All these objections appear to me to rest upon an erroneous view of the objects and duties of government. It is quite a mistake, to suppose that the duties of a State government embrace no wider range than the profitable employment of its resources. Fortunately for mankind, the Christian religion has widely extended the cares of human governments. That vast and noble system of benevolence which has reared so many asylums for the unfortunate, which has opened so many fountains of knowledge for the ignorant, and which has spread a mantle of charity over our whole State, sweeps away the entire objection. And if you desire a precedent still more conclusive, I will point you to the noble and generous help which the State, with one voice, extended to the city of Charleston when in ruins. Two millions of money were placed at her disposal, and with generous sympathy her children were nurtured into that state of advancement and prosperity which they now enjoy.

There are times and occasions upon which a State, just like an individual, should come forward and assume responsibilities. The only question really is, whether such an occasion actually exists.

That question is identical with the one which we have already been discussing. Shall the State go on with this great enterprise, or shall she abandon? A negative response to the bill on your table is abandonment. After such a response it would be a breach of duty in the directors of the company to go on. According to their statement lying before us, they have issued mortgage bonds amounting to two hundred and seventy thousand dollars. An abandonment of the road destroys the value of the mortgage. It is the first duty of the company to pay its debts, and as the security becomes worthless, by abandoning the road to ruin, they must

pay the debt from the assets of the company in their hands. This will absorb all the available funds and add so much more to the general loss.

Besides this, they have contractors at the tunnel with seven steam engines and the necessary implements. They have collected some fifteen hundred workmen from all quarters of the country; they have able and worthy engineers. All these must receive some satisfaction for injury, or at least some aid to make good their removal, and all this must be added to the general loss.

In the face of all this, it is vain to expect any further contribution from private capital—and it would be vain to attempt to coerce payments. A continuance of the work is, therefore, hopeless, and unless we grant the aid required, utter ruin must involve the whole enterprise. I cannot permit myself to believe that South Carolina will submit to such a catastrophe. I cannot think that any of her sons will permit that gaping tunnel to stand with open mouth proclaiming to the world our weakness and instability.

And if timid counsels shall prevail here to withhold the relief now asked for, I will still entertain a hope that the people of our gallant State will themselves come to the rescue, and urge their representatives to a second and better thought. I cannot believe that they will consent to retire from lists into which they have entered, or abandon a field upon which their colors have been planted. National character is of more value than even material wealth. Earnest and self-relying effort is the mainspring of individual success; it is the stay of national enterprise. A great ancient poet has well said—

"*Possunt, quia posse videntur.*"

And an equally great modern has translated it—

"For they can conquer, who but think they can."

To loosen this spring is to lower the tone of a nation's character. Let us beware how we tamper with it. Let us go on and finish what we have begun. To go on will cost no more than to stop. The road, when finished, will certainly be worth what it will now cost to complete it. Either way we can lose no more than the amount which will be now lost by an abandonment.

But how vastly different will be the results. In the one case we shall have accomplished a great work. We shall retain our own self respect, and the respect and esteem of other States. We shall encourage and foster that spirit which gives to our State its strength and consideration, and we shall have brought about those great results which are the fruits of a western connection. In the other event, we shall cast away both our money and our reputation—we shall sink into a state of isolation—we shall have graven with our own hands, our epitaph, upon our own mountains, and shall acquire the pre-eminence of being the only instance of a State in this Union which had opened a path to wealth and fame, but had neither the courage nor the constancy to construct the way.

AN ORATION ON THE BIBLE.

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In the wide range of learning there is no study which addresses itself to the youthful mind in a garb more attractive than history. To trace back the nations which surround us to the untutored tribes from which they have descended; to follow up the stream of time until the rise and progress of these tribes are obscured in the dimness of the past and their manhood and vigor are made known to us only by the ruins which bear witness of their decay; to ascertain what hand has fashioned those works of genius, which ages have trodden in the dust, and thus to reach to the very source and spring of human existence, present objects alike inviting to the curious, the philosophic, and the devout. The traveler who stands at the foot of the Pyramids, or upon the banks of the Nile, where lie buried in the dust of centuries the noblest monuments reared by human art, cannot but feel an irresistible impulse to inquire by whose hand these works were fashioned, and what changes in the polity of states, or in the annals of the world, have caused silence and desolation to reign where teeming millions must have lived in peace. The solemn note from Memnon's statue seems to reverberate even in our ears, far removed as we are, and to enlist our sympathies for the races of our fellow-men who have heard its breathings and have passed as a shadow through the vale of existence. And when we hasten down the vista of time to epochs of greater certainty, the realities in the life of a Cyrus, a Themistocles and an Alexander arrest our attention, and excite sentiments changed in character, but not in interest. Minuteness of detail now supplies incident to enliven the picture, and in the impulses of human passion and human motive which are now developed, we recognize that identity of sentiment and feeling which bring them into the common species and unite them to us in one common lot.

Interesting and inviting, however, as history certainly is, yet there is mingled with its study a certain feeling of disappointment which subtracts from its enjoyment. The analyzing and inquiring mind would fain ask for the end and purpose of those great events which are pictured forth. An Alexander has led his army from one continent to another, has reduced nation after nation beneath his sway, until satiated with the pursuit, he has wept that nothing more remained for conquest. Like wave succeeding wave, empire has succeeded empire, and to mere human vision their effects upon the great mass of human existence have been as ephemeral as the rush of the tempest upon the bosom of the ocean. Assyrian

and Mede, Persian, Greek and Roman now sleep alike in the dust of the earth, and but for the pen of the historian and the scattered ruins which occasionally meet the eye of the traveler, it could scarcaly be known that most of them had even existed upon our earth. And yet in their day each in his turn had ruled the destinies of the world, and was as powerful and terrific as Napoleon with his thousands advancing upon Moscow. What purpose have they all answered? What end have they accomplished? Was their existence a mere scene in the great drama of human action, without object or design, or have they all moved forward under the direction of a master mind to the accomplishment of some great and stupendous plan? The inquiring mind most anxiously seeks for light. But in vain is turned over page after page; it is but a succession of the same events, seemingly without system or final cause, and every student must be familiar with the feeling of disappointment and occasional disgust with which he rises from his meditations.

A class of historians arose, who proposed to remove this embarrassment. They undertook to assign causes and objects to the great events which they related; and the avidity with which the public received their labors strongly illustrates the want of which all were conscious. The Philosophic Historians (as they were termed) acquired a popularity which remained long unshaken. But the common sense of mankind at length ascertained that their histories were utterly fallacious. Those who stood nearer the point of action perceived that the whim of a courtier, or the idle passions of some parasite, had produced events which the philosopher in his study had attributed to the sound judgment of statesmen, acting upon enlarged considerations of public policy. They who moved the springs of action saw but too well that nations, like individuals, were impelled as well by the impulses of passion as by the promptings of reason; and that these impulses, often the true causes of events, were, from their very nature, concealed from the observation of the historian. His pages were therefore handed over to the credulous and the uninitiated. The attempt thus proved a failure. The key to events was not yet found, and the same disappointment as to the causes and movements of human action must remain, unless it can find relief elsewhere.

It is in the confident expectation that this relief can be found; it is in the hope that a new stimulus may be added to historical research, and new pleasures derived from its pursuit; and more than all this, it is with an earnest desire to inspirit you with a zeal for the best of all studies, that I propose to bring to your attention the Bible as a means of reflecting light upon Profane History; as in fact affording that very key to events which is sought in vain from other quarters. It cannot be doubted that if we were admitted into the presence and counsels of those statesmen who rule the destinies of a nation; if we could read their hearts, and see the motives which govern their actions, we would understand better the causes and design of events, than any historian who might

undertake to relate them. And scarcely any object more captivating to the inquiring mind can be offered than an admittance behind the scene of action, where would be exhibited the preparation and the springs of all those events, at which the world without is gazing with astonishment. To them it is a mystery; to us it would be a solved and open problem. To them it is dark and confounding; to us open, bright and cheering. They know not where next the wild and seemingly ungoverned tempest may burst; we see it ruled by wisdom, intelligence and design.

In the limited space, within which must be confined remarks upon an occasion like this, more cannot be done than to bring to view some of the instances in which this light is reflected, and thereby to show, that if the subject be pursued, the disordered pages of history will range themselves into a system. That which seems a chaos without rational cause or clearly designed effects, becomes a regulated plan, operating under the direction of all-seeing intelligence, and tending to one great result.

The Bible affords us the earliest history which exists of the human race. It takes man from the cradle of his existence, and relates the rise and fall of the most ancient empires of which history speaks. In this respect it occupies ground common in some degree with other histories. But there is one ground which it occupies entirely distinct from any other book. It is that wherein it develops the counsels and plans of the Creator and Almighty Governor of the Universe. It represents Him as actually taking charge of the affairs of the world, and ruling them according to His will. Nations and empires rise and fall as He commands; and every living man is occupying the post assigned him, and is part and parcel of a grand system, organized and directed by the great Architect of all. Starting from this point as a beginning, the Bible answers precisely those questions which Profane History cannot fathom, and develops so much of the purposes and plans of this Great Being, as to range into its appropriate part of the system those events which otherwise seem without purpose or object.

The page of history presents to our view a multitude emerging from the desert towards the fair plains of Palestine. Men, women and children, with flocks and herds, and all the appendages of a nation, seeking a new home, are seen in the promiscuous throng, but moving forward with that order and system which indicate the leading of some trained and experienced Captain. The inhabitants of the land are scattered before them, and they settle down into their new habitations, at once an established and organized nation. The idols and graven images which had defiled the land are thrown down, their worshipers are exterminated; and from every side is now heard rising upon the evening winds the hymn of praise and adoration to the One Great Being who had delivered them; to Him who "spake and it was done, who commanded and it stood fast."

They who are thus happy in their new abodes (we are informed by the Bible) are the Children of Israel, now led forth by God to the land which

he had promised as a possession to their fathers; a people whom the Almighty had selected as his chosen witnesses on earth, to exhibit to the world His Justice and His Truth. With terrific majesty, he had at Mount Sinai delivered to them the keeping of the Law and the Commandments, and among them was laid the Corner-Stone of His Church on earth.

From age to age the lamp of Truth was to be re-kindled at their altars; they alone were entrusted with the sacred fire. Their eventful history was to be held up to mankind as proof of the just government and special Providence of God. His visible presence was vouchsafed among them, and they had his express promise of continual prosperity as a nation, so long as they obeyed His commandments; while on the other hand they were to stand as living monuments of Divine vengeance to future ages, in case they rejected His law or despised His statutes. And more than all this, from among them was to arise that Sun of Righteousness with healing on his wings, who was to consummate the great design of the Deity, in repairing the ruin of the human race, and restoring man back to his Maker.

Behold this people now established by their Almighty Helper in their new possessions, happy, contented, brave and prosperous. They have been rescued from Egyptian bondage; they have passed through the deep waters of affliction; they have been on a probation of forty years; and now, schooled by adversity, and confident of the promises of their Maker, they are walking in his ways, and are reaping the full enjoyment of those promises.

But the tide of time sweeps on, and behold another host, vast in its array, but altogether differing in its practices, is seen hovering about the hills of Palestine. Those bright hills themselves are sadly changed. No longer do they resound with anthems of praise to the great Jehovah, but profane and horrid rites have usurped their place. The incense which had formerly arisen to Israel's God, is now seen smoking to the honor of Baal and Ashtaroth, and the false gods of the heathen. Ten of the tribes of Israel have utterly forsaken the worship and even the knowledge of the Most High, and have returned to Apis, and to Isis, and to all the abominations of Egypt. In this condition they are found by the hosts of Assyria, who are now seen sweeping over the land. Desolation and ruin are spread around. Cities and villages are laid in dust, and the miserable inhabitants are in chains, led away to hopeless slavery in a distant land. Samaria, their capital city, is subjected to horrors before unheard of, and the ten tribes of Israel disappear from among the nations of the earth.

But, why this scene of death and ruin? why are wretchedness and misery permitted to brood over plains where plenty had been smiling, and why are those weeping millions led away in chains to bear their sorrows in a distant land? Why is the Assyrian permitted to extinguish this nation from its sisterhood on earth? The Bible answers the inquiry.

It tells us of their favored race, whom God had blessed with his special presence and protection. He had filled up their cup to overflowing, while they obeyed His law. When they had forgotten Him, he had sent prophets to recall them; when they had set up idols in opposition to Him, he had condescended to commission an Elijah to reprove them, and by a manifest and striking miracle, to convince them of their errors, and force them to declare that "the Lord only, He is the God." Time after time, he had sent his messengers of mercy and of chastisement, and with patience and long suffering he had borne with two centuries of unmitigated crime. But vain alike has proved every visitation of anger or of mercy, and the king of Assyria is now sent forth as the final messenger of vengeance.

But why does the tempest stop short in its fury? Why are two of the tribes left as a people, while their brethren disappear from among nations? Why does not Jerusalem share the fate of its sister of Samaria? The thirst of the Assyrian monarch for conquest has not yet been satiated. His army, flushed with victory, is ready to extend his sway; and surely the thousands of Jerusalem and its two tribes, cannot arrest the arms which have just prostrated the hundred thousands of the adjacent ten tribes. But there is a Protector watching over the safety of Jerusalem more potent than the king of Assyria, and that Protector is yet propitious.

The Bible tells us that God had promised centuries before, that the sceptre should not depart from Judah, nor a law-giver from between his feet, till Shiloh come. In the counsels of the Most High, therefore, it was determined that the tribe of Judah should be preserved as the Church on earth, and that, although subjected to affliction for its perverseness, yet its unity should continue until the Redeemer of the world should appear. The Assyrian, therefore, is turned aside from his purpose; the kingdom of Judah is spared a little longer, and her history adds another proof to the truth and long-suffering of God.

And now, the Assyrian too is gone. His empire, cumbered with its load of crimes, and ripe for destruction, is crushed beneath the might of the Chaldean, and we again behold the vallies of Palestine trampled beneath the tread of a foreign foe. It is now the day of reckoning with the tribe of Judah. Jerusalem lies smouldering in her ashes—her magnificent temple is levelled to the dust—and the remnant of the Jewish nation is now lead in chains, surrounded by enemies, and on their march to the plains of Babylon. What means this change? Why this swift destruction upon those who have been so long spared? The Bible again answers, and tells us that another century of crime and idolatry, in defiance of every warning and entreaty, had exhausted the long suffering patience of Heaven, and Jerusalem and the kingdom of Judah must now be chastened for their rebellion. But as a key to subsequent events, the Almighty Governor informs us of his determination not to destroy them ut-

terly, but that he will preserve them in the land of their captivity, as the remnant of his visible Church, and after they shall have suffered the chastisement due to them as a nation, and shall have repented of their evil ways, it is His purpose to restore to them their homes and that sceptre which he had promised should remain with them, till the coming of the Messiah.

Again we look down the vista of time, and the historian exhibits to us the trained legions of Persia, surrounding Babylon, the great city—the magnificent, the impregnable, the wonder of the world. The king of Babylon exhibits, at the same time, his sense of security, and his supreme contempt of Cyrus and his Persians, by feasting a thousand of his lords within his palace, while the invaders surround his splendid and seemingly secure domain. But in the midst of the feast, in the depth of midnight, the Persian has entered the impregnable fortress. Its river, which seemed its protector, has been made the means of destruction—its streets are now deluged with blood—its king and its nobles lie prostrate in the dust, and the sun of Babylon has set, never to rise again. "Its palaces are become a desolation, and its streets the possession of the bittern and pools of water."

The pen of the historian is laid aside with awe, and he inquires why this utter destruction and ruin. How happens it that the Persian, with his inadequate resources, has been enabled to accomplish these great results, and to sweep from existence a nation so much more powerful than his own? And why should not the policy of the Persian State have spared and preserved a city so magnificent and beautiful, as to have excited the desire, and gratified the vanity of the most prosperous and mighty potentate on earth? Why have the scorpion and the bittern become the sole possessors of this mighty seat of empire, this most splendid of the masterworks of human skill? Profane history retires from the question. There stands the fact; and, as though to make its eventful history more striking and well known to all future ages, no monarch of ancient times has been more particularly brought to our acquaintance than Cyrus, the instrument whom God had prepared for this great work. Among so many cotemporaneous writings which have been lost, Xenophon's history of Cyrus has come down to us, as though it were intended to fasten upon our minds the knowledge of one of the most signal acts of God's justice, and of him who was honored with the high commission of executing his Maker's design. But neither Xenophon nor Herodotus, nor any other profane historian, is able to satisfy us as to the means, or purpose, or final cause of the great revolution which Cyrus effected.

But the Bible opens its pages in answer to these inquiries. There we are told that the empire of Babylon had been weighed in the everlasting balance, and found wanting; and that God had given it over to the Medes and Persians. About two hundred years before the event, He, to whom a thousand years are as one day, had declared His will that Jeru-

salem should be restored, and that Babylon, the guilty city, should be overthrown with a destruction commensurate with its utter wickedness. Listen to the memorable words in which God had declared his judgment more than a century before the birth of Cyrus, by the mouth of one of his holy prophets:

"Behold, I will stir up the Medes against them, which shall not regard silver, and as for gold, they shall not delight in it. Their bows, also, shall dash the young men to pieces; and they shall have no pity on the fruit of the womb; their eyes shall not spare children; and Babylon, the glory of kingdoms, the beauty of the Chaldees excellency, shall be as when God overthrew Sodom and Gomorrah. It shall never be inhabited, neither shall it be dwelt in from generation to generation; neither shall the Arabian pitch tent there; neither shall the shepherds make their fold there. But wild beasts of the desert shall lie there, and their houses shall be full of doleful creatures; and owls shall dwell there, and satyrs shall dance there. And the wild beasts of the islands shall cry in their desolate houses, and dragons in their pleasant palaces. For I will rise up against them, saith the Lord of Hosts, and cut off from Babylon the name and remnant. I will also make it a possession for the bittern and pools of water, and I will sweep it with the besom of destruction, saith the Lord of Hosts.

"Thus saith the Lord to his anointed, to Cyrus, whose right hand I have holden to subdue nations before him. And I will loose the loins of kings to open before him the two-leaved gates, and the gates shall not be shut. I will go before thee and make the crooked places straight; I will break in pieces the gates of brass, and cut in sunder the bars of iron. And I will give thee the treasures of darkness, and hidden riches of secret places, that thou mayest know that I, the Lord, which call thee by thy name, am the God of Israel. For Jacob, my servant's sake, and Israel, mine elect, I have even called thee by thy name. I have surnamed thee, though thou hast not known me. I girded thee, though thou hast not known me, that they may know, from the rising of the sun, and from the west, that there is none besides me. I am the Lord, and there is none else.

"I am the Lord that maketh all things, that stretcheth forth the heavens alone; that spreadeth abroad the earth by myself; that saith to Jerusalem, thou shalt be inhabited, and to the cities of Judah, ye shalt be built, and I will raise up the decayed places thereof; that sayeth of Cyrus, he is my shepherd, and shall perform all my pleasure; even saying to Jerusalem, thou shalt be built, and to the temple, thy foundation shall be laid."—Isaiah 44 and 45.

And now this edict which had gone forth from the King of kings more than two centuries before the event, is registered in the chancery of the Medes and Persians. Cyrus having finished his mission of conquest, and having under his command both the Babylonians and the Jews, whom

they had led into captivity, issues his decree for the restoration of Jerusalem. At the appointed time, the artisan is again heard in her streets, and a joyful band of her children have arrived to re-people its dwellings. The temple arises again upon Mount Moriah in all its fair proportions, and the children of Judah gather around its sacred precincts once more to hear the law of their God. They fondly suppose that the hour of their entire establishment as a nation is at hand. But they have not yet passed through the vale of trial. The period appointed by God for their entire deliverance, wants many years yet for its accomplishment. The earthly monarch, therefore, is content to permit the temple to be restored, and the city to be rebuilt, but her walls must still remain in ruins, and the Jews must still remain a province of the Persian empire. Cyrus is now dead, and the neighboring nations represent to the Magian, his successor, the impolicy of permitting the Jews to rebuild the walls of Jerusalem, that rebellious and bad city, as they call it. It is represented to him that such a fortress and nation interposed between Persia and the Mediterranean sea, might, upon emergency, interrupt his communication, and do serious mischief to the empire. New counsels prevail, and the work thereupon was interrupted. The restoration of the nation cannot take place until a change comes over the councils of Persia. If the course of events should so turn as to make it an object of State policy to the Persian monarch to build up that which he now desires unbuilt; if he could see advantage from the interposition of an independent nation between him and the sea; if, for example, hostile nations, whose courage, strength and hatred he had reason to fear, should threaten his own safety from that quarter, then he might desire Jerusalem and a friendly and brave people throughout Judea, to stand as a barrier between him and such an enemy. But to produce such a change of counsels, the pride of Persia must first be humbled and her fears excited by nations whom, at this period, she knew but to despise.

When the legions of Xerxes precipitated themselves upon Greece, and this vain and presumptuous monarch determined to wreak his vengeance upon Athens, no human eye could have discerned in the movements of that countless throng any motive of action, save to execute the mad vengeance of a self-willed tyrant. Could we have stood at the pass of Thermopylæ, and seen the gallant band of Leonidas arresting this thronging multitude, little could we have supposed that the terror and dread of Grecian arms, which their bravery and heroism created, were elements at work to operate part of the great plan of the Most High in behalf of His church and chosen people. The plains of Marathon and Platœa are green with the laurels due to Grecian patriotism and valor, and the names of Miltiades, Aristides and Themistocles will live in the human heart so long as virtue and the love of country find a resting place on earth. But the Bible connects into a plan their victories and enterprises, which the profane historian leaves isolated and disjointed. The invasion of their soil

and the destruction of Athens had created in the minds of the Greeks an inextinguishable hostility against the Persians, and the victory of Salamis had taught them the most effectual means of meeting the Persian power. Year after year of struggle had followed. The Persian had ceased sending armies beyond his empire, but his fleets were continually on the watch to strike a blow or ward off incursion. The active and enterprising Greek, bred upon the seas, knew his advantage and lost no opportunity of using it. At length the valor and conduct of Cimon, the son of Miltiades, succeeded on two several occasions in capturing the whole Persian fleet and in destroying their army. These disasters humbled the pride of Persia, and led to a peace between the Greeks and Persians, in which was exacted from Persia that remarkable stipulation that no Persian commander should come with an army within three days' journey of the sea. The effect of this was to expose to the mercy of an enemy the whole sea-coast of Syria and Palestine and to afford from that quarter a safe landing and an easy approach to the capital of the Persian empire. The dread of Grecian valor and enterprise now made it obvious to Artaxerxes that as he could not establish a Persian barrier within three days' journey of the sea it would be well to interpose some other brave and friendly nation between. And there stood ready, at the appointed time, the leaders of the Jewish nation to suggest to him their readiness to execute his policy. At once the scheme moves on; the monarch is now as earnest as the Jew; the walls of Jerusalem, which had remained prostrate for seventy years, now rise again in their strength; the inhabitants return to their homes, and once again the Jewish nation resumes its place among the established nations of the earth. Greek and Persian and Israelite had each performed his separate part; Cyrus at the walls of Babylon, Leonidas at Thermopylæ, Themistocles at Salamis, Miltiades at Marathon, Cimon at Cyprus and the Eurymedon, Esther at the Palace of Ahasuerus, and Ezra and Nehemiah at the walls of Jerusalem, had each performed his assigned part—each acting freely and of his own separate will, but the acts of all combined into one grand and harmonious whole, by the Supreme Governor of all, and made to effect, at the appointed moment, the plans which He had declared as His purpose centuries before their consummation.

But we sweep down the course of time, and once again the student of the Bible is admitted to see the spring of events in the counsels of the King of kings. Vain have been the solemn warnings uttered in the fate of the Assyrian and Babylonian empires. The Persian has followed in the same course of crime; its measures of iniquity is now full and the sword of vengeance is now unsheathed. We perceive an Alexander marching forward with a mere handful of men to encounter this mighty power. Behold him in the Granicus reeling beneath the battle-axe of the Rhodian; but he is safe, for he, too, is the instrument and messenger of the Most High. His high behest he must first accomplish, ere his reckless and brutal passions can master the springs of life. See him struggling against the

countless myraids of Issus and Arbela, but he will prevail, for the Bible, long, long before the event, had so declared it to be God's purpose.

And now the Conqueror is advancing towards Jerusalem, flushed with victory, and burning with indignation at the presumption of the Jews in refusing him aid while laying siege to Tyre. His purpose is to inflict condign and exemplary punishment upon the nation and rulers. The terrified people leave their occupations and form themselves in solemn procession behind their venerable High Priest, to deprecate the vengeance of the Conqueror. At length the Macedonian legions are in sight—their General and King, the victorious and impetuous Alexander, suddenly arrests their progress, alights from his horse, and he to whom the world was yielding its homage, advances to the High Priest with humble demeanor, and bowing low before him, salutes him with religious veneration. The startled attendants who had expected a scene of blood and carnage, stand amazed at the spectacle, until one of them ventures to inquire its cause. Alexander answered, that when in Macedonia he was deliberating as to the Persian war, this very Priest, in the same garb in which he was now attired, had appeared to him in a dream, had encouraged him to proceed, and had promised him the assistance of God in overthrowing the empire of Persia. The Monarch then proceeded to embrace the High Priest, accompanies him to Jerusalem as a friend and protector, and increases the privileges and immunities of his people. Such a result under such circumstances, is entirely inexplicable to the profane historian—but a glance at the Bible explains the whole mystery. The designs of the Most High are there declared, and Alexander, with all his power, was the humble instrument by which they were executed. The chosen people are made the special objects of the Conqueror's protection, and Alexander proceeds on his mission to extend the Grecian name and the Grecian language, in every quarter of the globe. With the rapidity of the tempest, he passes along and prepares the soil for the great events which are about to follow.

But the Grecian sway is now subverted by a mightier and more enduring power. The Roman eagles are advancing from the plains of Italy, and with stern and steady progress, are bowing the nations to their iron rule. The historian in vain seeks for causes why a city without commerce or local advantages, built upon a turbid stream, which modern civilization would deem unfit for any maritime use—with none of those elements of national wealth or strength, which would seem to fit it for empire—why such a city should acquire an ascendancy over the whole world, and subject to its dominion every civilized nation. For six hundred years it had been struggling almost for existence, and the time had now arrived, when its agency was required for higher purposes. The Bible affords the key to what otherwise seems inexplicable. The grand event in the scheme of Providence was now about to happen. The time appointed for the appearance of the Son of Righteousness was at hand, and even the

Pagan nations themselves were in expectation of the advent of some great personage to bless the nations. To pave the way for all the benefits of his mission, it seemed well that the civilized world should be subjected beneath one rule; that freedom of communication should subsist between all nations, and that they should be united under one polity and one system. The arts and sciences of Greece, combined with the conquests of Alexander, had spread the Grecian language, and made it the efficient means of communicating in writing with the whole world. The Hebrew Scriptures had been translated under the Ptolemies into the same language, and were thereby opened to the knowledge of the civilized world. The Roman power now stepped in to consolidate what the Grecian had commenced, and there exists no period in history, in which all nations have been brought into closer contact under one head, and under circumstances of more perfect civilization and intercourse, than under the first Roman emperors. The final cause and object of all this, are developed by the Bible; and the unparalleled and miraculous spread of Christianity in the first and second century, affords the most conclusive proof that every thing had been prepared for it by a Master hand. When Augustus Cæsar caused the Temple of Janus to be shut, he little knew the purpose he was effecting by universal peace; nor could any of the men of genius who ornamented his court, discover by what human agency his arms had been made to triumph over every obstacle, and to lay the foundations of such universal and lasting empire. Even they themselves referred it all to the Supreme God, and called the emperor his favorite—and the universal expectation of the arrival of some extraordinary Being to bless the nations, is beautifully painted in the memorable verses of Virgil:

> Ultima Cumæi venit jam carminis ætas
> Magnus ab integre sæclorum, nascitur ordo,
> Jam Redit et Virgo, redeunt Saturnia Regna
> Jam nova progenies cælo demittitur alto.

Could the eyes of the Bard of Mantua have been opened to behold in reality the personage whose coming was expected; could he have seen Him laying aside the glories of Heaven and the ineffable happiness of the Godhead, to assume the form of man, and that too as a servant of servants; could he have observed His meek and patient and lowly demeanor throughout a life of toil and suffering; could he have seen Him voluntarily enduring the scoffs and blows, and finally the excruciating death of a malefactor, and all that he and we, and all our fellow-men might be saved from everlasting destruction, and be made partakers of that same glory from which He had descended! Oh! into what a nobler strain would his muse have burst; how must his soul have glowed with fires now indeed made sacred, and how he would have hymned forth rapturous and immortal anthems of praise, for love so transcendent, for goodness so divine.

But we hasten down the course of time to the last point at which we intend to pause. The grave has now mastered the constellation of genius

which surrounded the throne of Augustus, and he and all his kinsmen are asleep in dust. We perceive the busy and thronging multitudes again alive with action in the streets of Rome; and lo! the gates of the Temple of Janus, so long closed in peace, now stand open wide. The legions are in full advance towards the land of Palestine, fraught with the mission of the whirlwind. The self-willed and blinded Jews have, by repeated acts of rebellious violence, aroused the fury of the Roman power, and there it advances, with slow and measured tread, to burst upon their land. Fortress after fortress has fallen before the invader; and the cool and determined Titus has now sat down before the walls of Jerusalem. With settled purpose he has cast a bank around the devoted city, and hemmed in the wretched inhabitants on every side. But amid all their wretchedness there is among them no faltering resolution; and he who would dare propose submission to the Roman, must suffer instant death. Blinded and infatuated, they seem devoted to destruction; they see death without and around, and yet their furious passions are not checked; for, amid the cries of the famished, may be heard the clash of arms, and the groans of brethren slain by a brother's hand. Enormities the most horrid and revolting are perpetrated within the walls, so horrid as to excite the hatred and indignation of the sanguinary Roman soldiery. They break down the walls, burst into the city, and, in defiance of the benevolent and urgent commands of their well-beloved General, they burn down the magnificent temple and lay it in ruins, literally leaving not one stone upon another. The city is demolished; its very foundations are ploughed up, and as though to devote it to utter desolation, the earth which supported the walls is sowed with salt. Thousands of the miserable people are nailed to crosses, and the millions that remain are led away captive and scattered among the nations of the earth. From that hour the Jewish nation has ceased to have a country or a home. Near two thousand years have since rolled on, and they still present the unparalleled phenomenon of a nation, with all the elements of unity, yet without power to unite; scattered throughout the world and exposed to every circumstance of trial, yet preserving their identity as a people where every other people have been destroyed, or have been melted into the mass around them.

Even the reckless Pagan soldiers, who looked upon the ruin of this people when Jerusalem fell, attributed the events which they witnessed to the direct interposition of the gods. But we, who stand two thousand years behind them, and see the still more wonderful history that succeeded; we, who behold the present state of their nation, and the remarkable events which are now discovering their lost ten tribes, and which are combining to restore them all to their former country; we, with the Bible in our hand, can read at once the design and the solution of the mystery. In this wonderful book their fate is declared by God, fifteen centuries before the destruction of Jerusalem.

"If it shall come to pass," says he, "that thou wilt not hearken unto the voice of the Lord thy God to observe to do all his commandments and his statutes which I command thee this day, then all these curses shall come upon thee, and overtake thee. The Lord shall bring a nation against thee from afar, from the end of the earth, as swift as the eagle flieth—a nation whose tongue thou shalt not understand—a nation of fierce countenance, who shall not regard the person of the old, nor show favor to the young. And he shall besiege thee in all thy gates, until thy high and fenced walls wherein thou trustest, come down throughout thy land. And thou shalt eat the fruit of thine own body, the flesh of thy sons and of thy daughters, in the siege and in the straitness wherewith thy enemies shall distress thee. And ye shall be plucked from off the land. And the Lord shall scatter thee among all people from the one end of the earth even unto the other. And among these nations shalt thou find no ease, neither shall the sole of thy foot have rest; but the Lord shall give thee there a trembling of heart, and failing of eyes, and sorrow of mind. Even all nations shall say, Wherefore hath the Lord done thus unto this land? Then men shall say, Because they have forsaken the covenant of the Lord God of their fathers; for they went and served other gods, and the anger of the Lord was kindled against this land, and the Lord rooted them out of their land in anger, and in wrath, and in great indignation, and cast them into another land, as it is this day."—28 and 29 Deut.

Awful denunciation! and yet those to whom it was uttered dared to encounter it. They ventured to rebel against the Great Being, of whose truth and power they had seen so many manifestations; rejected his every message of reconciliation; and finally, when, as a consummation of Almighty goodness, the Lord of the vineyard sent to them his own Son, they cried, "Crucify him! crucify him! his blood be upon us and upon our children." Blind and infatuated men! Eighteen centuries of humiliation and of woe, have been the burthen of this dreadful imprecation. The sole of your foot has yet found no resting place on the earth. The fair daughter of Zion still mourns her desolation; and Jerusalem is yet trodden down of the Gentiles, and so must continue, until the times of the Gentiles shall be accomplished.

Could some gifted hand be permitted to draw aside the veil, and exhibit to us the period when these times shall have been accomplished, we should then see how the plan of Omnipotence had combined into a whole the stirring events which our own times have witnessed. Even with our limited vision, we can perceive how the wild incursion of Napoleon, with his legions upon the plains of Egypt and Syria, has paved the way for that most extraordinary change, by which the nations of the east have, as it were, been brought westward, and made to become an integral part of the political system of Europe. Our own eyes are beholding the Ottoman power actually crumbling in pieces, without external pressure or

design; or, as the Bible expresses it, "breaking without hands." Behold, on the one side, the blind fury of the Sultan, lopping off at Constantinople the right arm of his own power by butchering the Janizaries and destroying the national pride of his people. See, on the other, the fleets of England, his professed friends and allies, sinking at Navarino the entire navy of Turkey, in a battle so repugnant to the wishes and policy of the British Government, as to compel them to lament and disavow their own victory, and brand it as an undesigned and "untoward blunder." Behold that same England, when the armies of Mehemet Ali are in full advance upon Constantinople, and are about to plant a new dynasty and infuse new life and vigor into the Turkish monarchy; behold her arresting their advance, and again inflicting upon Turkey the very wound which it was their design to avert, leaving her powerless and broken, by the very act which they intended should secure her strength.

Could we but raise the curtain one moment longer, with what deepening interest would we consider the novel incident of yesterday, when after so many centuries of persecution and hate, the Christian world united to rescue the Jews within the walls of Damascus; and the mere voice of Christendom shook loose the grasp of the Turk, and gave new courage to the dispirited and forsaken Jew! And deeper still would be the interest with which we should view the struggle now going on for the independence of Syria and Palestine—and the discovery which is even now being developed of the remnant of the long lost Ten Tribes of Israel, found at last, fenced in among inaccessible mountains, upon the very spot whither the Bible tells us they were led captive twenty-five centuries ago—pressed upon and hemmed in by hostile and superior strength, yet safe under the protection of Almighty promise.

Then, indeed, would every heart be opened, and every tongue confess, as in the days of Elijah, the Lord, He is God. His providence is over all His works Not even a sparrow falleth to the ground without His hand, and His truth endureth from generation to generation. The great, the mighty truth, would be fastened upon every mind, "that the Lord is King; the earth may be glad thereof." "Tell it out among the heathen that the Lord is King, and that it is He who hath made the round world so fast that it cannot be moved, and how that He shall judge the people righteously."

"In His hand are all the corners of the earth," and the whole system of the universe is, through Him, combined into

> "One stupendous whole,
> Whose body nature is, and God the soul.
> Warms in the sun, refreshes in the breeze,
> Glows in the stars, and blossoms in the trees;
> Lives through all life, extends through all extent,
> Spreads undivided, operates unspent.
> To Him no high, no low, no great no small,
> He fills, he bounds, connects and equals all."

Gentlemen of the Euphradian and Clariosophic Societies:

The time will soon arrive when you will leave the care of this our *Alma-Mater*, to take your places upon the stage of human action. Many of you will be called upon to yield your talents to the service and councils of our country. It is when the active duties of life shall make their demands upon you that you will perceive and exhibit the value of the principles with which your minds are imbued. Their truth or error will produce results fraught with blessing or with evil, to yourselves and to others, within your sphere of influence. It is of the last importance, then, that you should search well your foundation, and plant yourselves upon those great principles of Religious truth, which, like the never-failing laws of nature, ever point to the same great centre from which they all do emanate.

In Physical Science, as well as in mere Mental Philosophy, it has pleased the great Creator to place us in the midst of facts, and leave us to build up systems from these facts by the operations of inductive reasoning. As the truth or error of these systems involve no moral agency, we are not held accountable for them, but are left free to admit or deny their reasonableness, accordingly as they impress our minds. But when we step further, and reach the point of action, philosophy has become changed to duty, and the wisdom and benevolence of God now intervene to guide us. Revelation now presents us with positive commands, and the facts of the moral world are no longer kept at large to be arranged into system by our finite intelligence, but are adjusted by infinite wisdom into so simple and well-contrived a scheme that he who runs may read it. Thus, in the events of history, to which I have been directing your attention, God does not permit us to look upon the prosperity and upon the ruin of nations as a mere spectacle to be gazed at; but He tells us distinctly of the object and causes of that prosperity and of that destruction. Behold this nation, says He; it shall flourish because it obeys my laws. Look at this other; it hath filled up the measure of its iniquities, and I will sweep it with the besom of destruction. The great principle is announced, "The righteous shall flourish like a palm tree, and shall spread abroad like a cedar in Lebanon; while the wicked shall be cut down like the grass, and be withered even as the green herb." And as we follow down the course of events we behold nation after nation subjected to this rule, and suffering its consequences with that undeviating certainty which is the element of every law of God.

Thus are we taught that we, too, must be subjected to this same unvarying law. Our people and our nation must, like those whose fate has been exhibited to us, be weighed in the everlasting balance. See, then, to what point you are brought! Behold how important it is that you, who must soon take our places in directing the destinies of South Carolina, should feel your dependence upon the Almighty Governor of the universe, and should strive to secure this favor and obey His laws.

Behold His blessing or His curse awaiting the course which you may pursue. See what may be done by the efforts of even a few, when, for ten righteous men, even Sodom would have been spared. But not only will the land be spared, but it will be refreshed by the favor of the King of kings if you will but keep in that land a remembrance of His statutes, and an earnest desire to walk in the same.

There is also another great practical principle announced in the events which we have been considering, to which I desire to invite your attention. It is, that man is not held accountable for ultimate consequences. The immediate act before him is that which he must conscientiously do. Duties are ours, results are in the hands of God. We are not charged to concern ourselves about possible results, further than as they are part of the present act. The providence of God cares for the future; our business is with the present. We are to see that our next step is in the straightforward path of truth—that our next act is prompted by an enlightened sense of right; and all fear, lest in doing right now, we may suffer evil hereafter, is to be banished from the mind. On no occasion is the conscience to be beguiled by the snare that one false step may be taken to retrace or avoid evil, or to procure future good. If we move steadily forward in the path of right, God has given us his promise that no evil shall befall us, however much it may seem to impend.

> "On the lion vainly roaring, on his young thy foot shall tread,
> And the dragon's den exploring, thou shalt bruise the serpent's head."

Such a course of action creates a noble, manly, Christian character—unfaltering in its resolution, brave in action, and strong of purpose—fearless, never daunted, and always moving onward in the path of duty. Confident of the support of the Supreme Lord of all, he is relieved from all fear of human opposition, and is discharged from every feeling of mortification at defeat, or exultation at success. Flattery cannot pervert, scorn or ridicule cannot move him, for the approbation which alone he seeks is that of the Great Being who has never failed those who seek His favor.

It is true that occasionally the path may be beset with danger. Darkness may obscure the distance—even clouds may lower, and threaten to burst, if we pursue our way. But there is the test of principle; there is to be exhibited the force of that truth which should fill our souls—the truth to be deduced from every page of revealed religion. "The eyes of the Lord are upon the righteous, and his ears are open unto their cry." Let him who is beset with danger, stand firmly at his post, and the path will soon be clear. Let him who fears the bursting of the storm, advance in the direction whither duty calls; let him breast even the billows, and they will subside before him; for he has the sure word of promise from Him, of whose truth heaven and earth bear witness:

> "Fear not, I am with thee; oh! be not dismayed,
> I, I am thy God, and will still give thee aid;
> I'll strengthen thee, help thee, and cause thee to stand,
> Upheld by my righteous, omnipotent hand."

GOVERNOR McDUFFIE'S MESSAGE.

On Tuesday, at 12 o'clock, His Excellency Governor McDuffie communicated to the Legislature by Beaufort T. Watts, Esq., Executive Secretary, the following message, which was read by him:

EXECUTIVE DEPARTMENT, November 28, 1836.

Fellow-Citizens of the Senate and of the House of Representatives:

About to bid adieu to the cares and responsibilities of public life, and meeting you for the last time to unite with you in deliberations for promoting the welfare of South Carolina, I am incapable of expressing the gratification I experience in contemplating the spectacle of unexampled prosperity, which now crowns the hopes and blesses the labors of all classes of our fellow-citizens.

At no former period have they enjoyed such abundant pecuniary means of fulfilling their destinies as a community of enlightened freeman, and of discharging the obligations which they owe to the world and to their posterity, by promoting the great cause of human improvement, and by laying deep the foundations of liberty in a well-educated population, and a well-organized system of social and civil polity. And while it becomes us to be devoutly thankful to an overruling Providence for these ample means of happiness, we cannot be too deeply impressed with the conviction, that we are responsible to that Providence for their proper use and improvement. Nor can we, thus highly favored as a people, neglect our advantages with impunity. We must improve the talent entrusted to our care, or pay the penalty denounced against the unprofitable servant. We must give a public spirited and patriotic direction to the resources of the State, and move forward in the career of improvement, civil, military, moral, intellectual and social, or sink down into that state of sordid selfishness, in which even avarice will be finally overcome by indolence and the love of luxurious indulgence. If it be true—as history but too impressively teaches us—that communities are less capable of bearing prosperity than adversity, it should admonish us of the dangerous eminence on which we now stand, where one false and downward step may precipitate us from our envious height into the ignominious gulf below, which yawns ready to receive us.

I wish I could persuade myself that these are mere barren speculations, drawn from the experience of other countries, but inapplicable to our own. But I cannot be blind to the threatening premonitions of a premature national degeneracy, which are visible in all directions, and not least conspicuous at the centre of our Federal empire.

It belongs appropriately to you, fellow-citizens, as the legislators of South Carolina, and the selected guardians of her welfare, to counteract, by all the means in your power, these fearful and downward tendencies, and to give such a wise and salutary direction to the moral, intellectual, and physical energies of the people, as will expand every selfish feeling into patriotism, and impress it upon the mind of every citizen, that his first and greatest interest is the general prosperity of the State, and the security of her institutions, her rights, and her liberties.

To build up the solid fabric of the prosperity of a State by developing the elements of her wealth and power, and organizing systems of public instruction, calculated to elevate the standard of popular morals and popular intelligence, is the noblest employment that can excite the ambition, or task the faculties of legislators and statesmen. In comparison with this, the miserable schemes of petty and selfish ambition, scrambling for office through all the filthy mazes of intrigue and corruption, sink into contempt and insignificance. South Carolina has achieved an enviable reputation by her noble and successful struggle for the essential interests and the constitutional rights of the Southern States. Her success in that unequal contest, and the high character with which she came out of it, were principally owing to the apparent and acknowledged fact, that her statesmen and her people, were actuated exclusively by a patriotic spirit of resistance, directed against a system of unconstitutional oppression, without any ulterior purpose of selfish ambition. Let us cherish and preserve the reputation we have thus nobly acquired as the Romans did their Vestal fire. Let no statesman of South Carolina tarnish her glorious escutcheon by enlisting as a partisan under the banner of any of those political chiefs who are grasping at the presidential sceptre. The political principles and peculiar institutions of the State may be sold and sacrificed, but most assuredly, they can never be preserved by such degrading partisanship. South Carolina, and all the States having similar institutions, "must not put their trust in Presidents," but look to their own power and principles, for the security of their rights and institutions. They are in a permanent minority on all questions affecting these rights and institutions, and whoever may exercise the powers of the Chief Magistracy, they will be exercised in obedience to the will of the adverse majority. So long as this state of things shall continue; so long as the executive government of the United States shall be conducted by an administration holding principles incompatible with the full security of our institutions and rights, no statesman of South Carolina can become associated with that administration without justly incurring the imputation of becoming an accomplice in overthrowing the essential guarantees of her vital interests. He cannot worship the sun of federal power and offer up the homage of a devoted heart on the altars of the State.

If the politicians of all the planting States would act upon these obvious principles, our rights and institutions would be speedily placed upon a foundation which nothing could shake in future. The whole of those States would be united upon principles essential to their very existence, and standing upon the ramparts of the constitution, in defense of their sacred rights, would present a phalanx which no assailing power could overcome.

But, however other States may think on this subject, I trust these will always be the principles of South Carolina, and that they will be sacredly regarded and faithfully observed by all her public functionaries. I sincerely believe that they constitute the talisman of her political strength, and that, if maintained, they will throw around her institutions a magic circle, which neither ambition nor fanaticism will venture to overleap. Leaving then the Federal government to run its fated career, and standing proudly aloof from all those intriguing combinations and "entangling alliances" by which politicians may flatter themselves that they are serving their constituents, when they are only promoting their own agrandisement, let us dedicate all our faculties and all our efforts to the improvement of our beloved State, in all that can contribute to her intelligence, wealth, power and security.

For the accomplishment of these patriotic ends, too much attention cannot be bestowed on the subject of education in all its stages, and in all its branches. And I beg leave, most respectfully, to refer you to the views contained in my last annual message in relation to the schools of elementary instruction. It is in these humble seminaries that the rising generation receive those early impressions which exercise a permanent and decided influence upon their conduct and character in future life.

They are, emphatically, the nurseries of freemen, and the wisdom of the State can in no way so effectually provide for the perpetuation of our free institutions, as by measures calculated to elevate their character, by securing competent instructors and furnishing for their use such elementary school-books as will imbue the minds of our youth with sound and practical views, religious, moral and political.

No constitutional charter, however wise its provisions, can give freedom to a people. We must have free *men* before we can have a free *government;* and we cannot be too deeply impressed with the conviction that the essential qualifications of a free man are intelligence to comprehend his rights and interests with the spirit and the military skill which are necessary to defend them. The fatal experience of but too many nations and communities around us conclusively demonstrates that where the great body of the people are destitute of these qualifications, every attempt at self-government must end in some new form of despotism. In my opinion our systems of school instruction should be made to assume a more practical character, having a more direct reference to the business and the duties of active life. The common reproach against a classical edu-

cation, that it tends to disqualify our young men from performing these duties is not without some foundation. It is not uncommon to meet with scholars well versed in the systems of ancient polytheism in the fables of the ancient poets, and in the scarcely less fabulous narratives of the ancient historians, who have scarcely a smattering of the history and constitutions of their own country. The effect produced on the minds of young men by a too exclusive attention to such a course of reading in our schools and colleges is similar to that which is produced on the minds of young females by reading sentimental novels It introduces them into a world of fancy entirely different in all respects from that in which they are destined to act a part, and evidently tends to disqualify them from acting that part amidst the rugged realities of life. To counteract this tendency a concise popular history of our own country, written in a pure and simple style, and a clear exposition of the great fundamental principles of our system of government should be introduced into all our grammar schools. For the purpose of effecting this desirable result, means should first be adopted for obtaining these works, and to secure their introduction into our schools it should be provided in the regulations of the College that no young man should enter the sophomore class who could not stand an examination on the historical narrative, nor the senior class who could not stand an examination on the political exposition.

With the same view of giving a more practical bearing to our system of popular instruction, I suggest the expediency of establishing in our college a professorship of civil and military engineering. The works of internal improvement, which are now in progress, and will probably continue to be projected for many years to come in South Carolina and the neighboring States, will require the services of a great number of civil engineers, and it is in all respects desirable that we should have citizens of our own well qualified in this highly-important department, whose services we can at all times command. So great is the demand for this kind of service all over the Union, and the rate of compensation is becoming extravagantly high, that as a measure of economy alone the establishment of the proposed professorship would be well worthy of consideration.

The department of military engineering will, of course, be made to include instruction in the use of artillery, and to this may be usefully added the practical instruction of the young men, at certain hours, in the elements of infantry tactics. My observation and reflection during the present year have confirmed the opinion I expressed in my last annual message as to the expediency of combining in our general system of school instruction the use of arms and the elements of military tactics with the common branches of education. There is no other mode, in my opinion, by which such important results can be produced with so small an expenditure of time and money. Indeed, I have great doubts whether it be not the only practicable mode in which the elementary principles of mili-

tary movements can be scientifically imparted to the great body of our citizens. It will supply the great desideratum now experienced in effectually training the militia—competent officers to command and instruct the militia companies—and I feel a perfect assurance that if generally pursued in our schools, the very next generation that comes upon the stage of active life will be an army of citizen soldiers, better qualified to defend their rights than any standing army in the world after a peace of ten years' duration. I suggest, therefore, that the young men of the college be organized into one or two corps of cadets, by law or by the regulations of the institutions, and, though permitted to elect their own officers, that they be required to devote certain hours to the exercise of drilling, under the superintendence of the military professor, who should be required to act as their instructor. The establishment of such a system in the college would, upon very obvious principles, cause it to be extended to the grammar schools, as every young man in preparing for college would naturally desire to qualify himself not only for performing his military exercises, but for aspiring to the honor of a military command. In one of the most distinguished grammar schools of the State a company of cadets was formed almost under my own eye, and while their improvement in tactics was striking to every observer, the intelligent gentleman at the head of the institution assured me that he derived great advantage in its government from the manliness and sense of honor imparted to the young men by the change in their mode of recreation.

I also recommend the establishment of a professorship of modern languages, the want of which has been seriously felt ever since the establishment of the college. I believe there are very few graduates of the institution who have not had occasion to deplore the defect in their education which has resulted from the absence of such a professorship. In the present state of science and of social and commercial intercourse, a knowledge of the modern languages is scarcely less important than that of the ancient. A great many of the most scientific and literary works now extant are written in foreign languages, and having no English translations, are sealed books to those who are ignorant of the languages in which they are written. It is an object of the first importance to have a class of well educated native merchants, capable of conducting our immense and increasing foreign commerce, who will save to the State the large percentage which the Northern merchants receive as a commission for exchanging our productions for those of other countries. Circumstances are now highly favorable to the accomplishment of this patriotic purpose. Let us, then, provide for our young men the means of becoming accomplished merchants; and not the least important accomplishment is a knowledge of the continental languages, and particularly the French.

These two additional professorships will complete the literary organization of our college, and enable our youth to obtain so complete an

education at home that they will no longer have a motive for going to the Northern colleges. I need not add that this is an object of the utmost importance, in the present state of public opinion in the United States, relative to our domestic institutions.

The state of the college discipline is now excellent, and the conduct of the students for the present year has, with a few exceptions, been highly exemplary. Most of the irregularities that have occurred have been traced to the shops where wines and ardent spirits are retailed in the town of Columbia, and it has been found impossible to break up entirely the communication between them and the young men of the college. These wretched haunts of dissipation and intemperance do more to mar the prosperity of the institution than all the other causes united. They thus become nuisances to the whole State, and ought, in my opinion, to be abated by its authority. The evil is not at all diminished by the system of licensing. The revenue derived from it is but a poor compensation for the privilege of diffusing the elements of moral pestilence amongst those who are to be the future rulers and legislators of the State.

The flourishing condition of the college must be eminently gratifying to every patriotic citizen in the State of every denomination, religious or political. And however obvious the truth, we cannot too habitually impress it upon our minds that the usefulness of this institution, so intimately connected with the character of the State and the welfare of the generations that are to follow us, will greatly depend upon the degree in which the spirit of party, religious and political, shall be excluded from its government. Let this at least be a temple dedicated exclusively to science and literature, where all the citizens of the State can mingle their devotions in harmony and peace.

The number of students has so greatly increased since the new organization that they cannot even now be tolerably accommodated in the rooms provided for them, and when we look forward to the probable increase at the commencement of the ensuing year, it is evident that the existing means of accommodation will be wholly insufficient. The erection of an additional edifice for this purpose, therefore, has become a measure not only of expediency, but of absolute necessity, and I recommend that the necessary appropriation be made as soon as the proper estimates shall be obtained.

The college library also requires a very considerable enlargement to make it correspond with the character of the institution, and I suggest the propriety of making an appropriation of a few thousand dollars for this purpose. As I propose to visit Europe during the ensuing year, it will give me great pleasure to execute any commission with which I may be charged in accomplishing this object. I cannot conclude this interesting topic without earnestly commending the college to your enlightened patronage and fostering care as the guardians of the rising generation.

I herewith communicate a copy of an act of the Congress of the United States providing that the surplus revenue which shall be in the Federal treasury on the first day of January next shall be distributed among the States of the confederacy, in certain specified proportions, to be deposited in their respective treasuries, without bearing interest, until the fiscal wants of the Federal government shall render it necessary that the States should refund it. I also communicate a letter from the Secretary of the Treasury of the United States desiring to be informed at the earliest practicable period what disposition he shall make of that portion of this fund which shall fall to the share of South Carolina. As it appropriately devolves upon you to determine what that disposition shall be, I have delayed answering this inquiry until you shall have given me the necessary authority.

It may be important, therefore, that you should act upon the subject with as little delay as possible, and it does not appear to be one which requires much deliberation. None certainly can be required to decide upon the expediency of receiving the money. We find a large surplus of revenue accumulated in the Federal treasury, which has been unconstitutionally levied upon the productions of our own industry by a system of oppressive taxation enacted in opposition to our solemn protestations; and attempted to be enforced by the military power of the United States. The money is there without any agency of ours, and the act of distribution involves the question whether it shall remain deposited in certain banks, to constitute a part of their banking capital, or to be transferred to the treasuries of the respective States, for the use of the people to whom it appropriately belongs, and from whom it never should have been taken? It is impossible to doubt on such a question; but while the justice and necessity of this measure of distribution are equally obvious, under the existing circumstances, let it not be disguised that no proceeding can be more absolutely fatal to the interests of the exporting States than that of habitually raising revenue by duties on imports for the purposes of distributing it among the States. It is to be hoped, therefore, that this hazardous but necessary measure will not continue a single day beyond the necessity which gave rise to it, but that the Federal treasury will be reduced within constitutional dimensions, by the regular process of reducing the duties, as soon as this can be done consistently with the plighted faith of Congress, implied in the act of 1833.

As to the disposition which it may be expedient for the State to make of this fund, it appears to me, that regarding it as a deposit, the obvious course will be to place it in the Bank of the State, which is practically the treasury of the State. It will there be used like all other deposits, as a portion of the capital of the bank for the time being, and will justify an extension of its operations in proportion to the amount and probable continuance of the deposit. If you should concur in this view of the

subject, it will be proper that you should confer a special authority on the president or cashier of the Bank of the State of South Carolina, to receive the sums that shall be payable under the aforesaid act of Congress, and to sign the obligations and acknowledgments therein prescribed, pledging the faith of the State to refund the money on the requisition of the Secretary of the Federal treasury. It will then be only necessary to request this latter officer to place the sums to which the State may be entitled, as they successively fall due, in the bank, and to the credit of the State of South Carolina.

I lay before you, in compliance with the request of the president of the convention which assembled at Knoxville, on the fourth of July last, to consider the subject of a railroad between Louisville and Cincinnati and the city of Charleston, a copy of the proceedings of that body.

In one of the resolutions which you will find among these proceedings, an appeal is made to the legislatures of the States through which the proposed railroad is intended to pass, for liberal appropriations from their public treasuries in support of this great work.

An enterprise so gigantic in its nature and extent, and so magnificent in its promised results to the prosperity of South Carolina, pre-eminently deserves, and will doubtless receive your favorable consideration. If successfully conducted to its final accomplishment, it will be a monument worthy of the age, and of which the greatest empire might justly be proud.

It will produce the greatest revolution in commerce ever effected by an artificial channel of communication, and not less important than that which was produced by the discovery of the passage round the Cape of Good Hope. With other causes, now fortunately co-operating, it will enable Charleston to reclaim her lost advantages, and to become the emporium of the vast and increasing foreign commerce which is founded upon the agricultural productions of the South Atlantic and Western States. Nor will the advantages of this change be confined to Charleston. Every part of the State will enjoy its due portion of them. A flourishing commercial emporium, like the heart in the animal economy, diffuses life, energy, and health through the whole system. It is the city of New York communicating with the world by the ocean, and with the interior by her numerous channels, natural and artificial, that imparts wealth and prosperity to the remotest extremities of that great State. Make Charleston the New York of the South, and corresponding advantages will result, not only to the interior of this State, but to the entire region connected with that city by the ties of commercial intercourse.

Within a certain sphere, according to a well-known principle of political economy, the benefits of commerce cannot be localized. Its beneficient effects are essentially diffusive.

If these views are just, and were properly impressed upon the minds of our fellow-citizens, they would tend greatly to do away that local spirit,

which, by seeking to accomplish mere local purposes, might embarrass the progress, and mar the symmetry of the noble structure we are about erecting.

I have too firm a reliance upon the patriotic spirit of our citizens to believe these narrow and mistaken views will be permitted to sway the councils by which it is to be planned and erected. It is too mighty an undertaking, will involve too great an expenditure, and is destined to encounter too close a competition, to allow any sacrifice to be made to such views, without exposing the whole enterprise to imminent hazard. That route which is decidedly the best, within the limits of the charter, if there be such a route, should undoubtedly be adopted. As a citizen of the State, without reference to my local position, I sincerely hope that the central route may be found to have that unequivocal claim to preference. I even think it should be adopted, unless some other route shall appear to have a decided superiority over it. But I am sure that no public-spirited citizen, anxious for the success of the work; no stockholder, reasonably regardful of his own interest, will be disposed to go farther. To insure success in scaling these mountain barriers which have so long made strangers of kindred communities—an achievement surpassing in sublimity all that Xerxes and Hannibal and Bonaparte ever accomplished—united councils are indispensably necessary. The only mode of effecting this desirable result will be to have all the proposed routes and mountain passes actually surveyed by scientific engineers, before any comparison is attempted. When this is done, it is extremely probable that the preferable route will be so clearly indicated as to supersede all doubt on the subject.

How far it may be expedient for the State to aid in the prosecution and completion of this work, by subscribing to the stock of the company which has been incorporated, I think the time has not yet come for deciding. The charter has already been saved by our public-spirited fellow-citizen, Colonel Wade Hampton, who being one of the central commissioners at Knoxville, subscribed the whole sum which appeared from the returns then received, to be wanting to make up the four millions. Until the route shall be definitively selected, and active operations commenced, the emergency does not seem to call upon the States interested to embark in the work as stockholders. Moreover, there are some considerations growing out of the mode of constituting the board of directors, prescribed by the charter, as amended by Kentucky, and the relative sums subscribed in the different States, which render it a measure of obvious prudence on the part of South Carolina either to procure a modification of the charter before she subscribes, or to make accurately a conditional subscription.

The act of incorporation passed by this State, provided that three of the twenty-four directors should be chosen from qualified stockholders residing in each of the States of North Carolina, South Carolina, Tennes-

see, Kentucky and Ohio, and that nine should be chosen indifferently from all the stockholders. The amendment interpolated by Kentucky provides that six of the directors shall be chosen from stockholders residing in that State, while only three shall be chosen from each of the other States, leaving but six to be chosen indifferently from all the stockholders. This very exceptionable claim of undue power, on the part of Kentucky, becomes absolutely revolting when we advert to the fact that the entire subscription in that State amounts to less than $200,000, and that no one person there has subscribed a sufficient number of shares to qualify him to be chosen a director! In this state of things, a board of directors cannot be organized; and if it could, Kentucky with less than a twentieth part of the stock, would wield one-fourth part of the power of the company. On the contrary, South Carolina owning five-sixths of the stock, could in no event have more than nine directors. I can perceive no equitable principle upon which the stockholders of five-sixths of the stock in South Carolina shall have only nine directors, while the holders of one-sixth of the stock out of South Carolina shall have fifteen. This is certainly an unprecedented anomaly in the organization of corporate powers, and I think the people of South Carolina have been sufficiently admonished, by bitter experience, of the fatal consequences of having their interests controlled by a foreign and irresponsible power, to make them very cautious in placing the power on one side, while the interest to be effected by it is on the other.

If we look to the questions that will probably arise, at the very commencement of the proposed work, the danger of this separation of power and responsibility will be obvious. Upon every principle, the roads hould commence at Charleston, and proceed continuously on towards its western termination, at least until the money contributed in South Carolina shall be expended. And yet it will be in the power of directors out of the State to reverse the operation, and expend the whole sum subscribed by the citizens of this State, in Kentucky, where so small a sum has been subscribed.

This pretension to unequal power on the part of Kentucky becomes still more intolerable when we advert to the causes that gave rise to it. By the charter as passed by this State, and all the others except Kentucky the road was to run from Charleston to Cincinnati. The clause interpolated by Kentucky, requires that the company, at the same time that they carry the road from the Cumberland mountain to Cincinnati, shall carry a branch to Louisville. It also requires that a branch shall be carried from Lexington to Maysville. The company are thus required to construct two branches, making together some 150 miles of railroad, obviously against their own interest, and merely to accommodate two towns in Kentucky; and to secure the performance of these most unreasonable conditions, they are moreover required to give Kentucky three directors gratuitously.

There is no practical view of the subject that can make it the interest of the company, or the great public concerned, in the contemplated work, to cover Kentucky with railroads for the privilege of passing through the State.

If the road goes to the Ohio river, some one point on that river should be selected. This will command nearly all the trade, that would be commanded by the three that are proposed. If either Cincinnati or Louisville should be selected, it will insure as much commerce as the road will probably be able to convey. And as Ohio has contributed almost nothing to the stock of the company, it would be much the wiser course to carry the road directly to Louisville, leaving Cincinnati out of the scheme altogether, if a Louisville branch is the only consideration upon which we can obtain the privilege of passing through Kentucky.

There is another alternative, preferable, in my opinion, even to this. It is to make the mouth of the Nolachucky the western termination of the road, which, according to the estimates, would reduce the cost of it from twelve to five millions of dollars; while it would still yield to North Carolina, Tennessee and South Carolina, a very large portion of the advantages that would result from the completion of the original scheme. The work to this extent could be almost completed with the stock already subscribed, and would be clearly within the means of these three States. A flourishing town would spring up at the western termination of the road, wherever that might be, whether at Nolachucky, Ashville, or even at the northwestern border of our own State, which would attract to the road a great portion of the western trade, probably as much as it could carry.

I have suggested these views, because I believe that South Carolina will be restrained, not less by a sense of self-respect, than by a just regard for her own interest, from subscribing anything to the stock of the "Louisville, Cincinnati and Charleston Railroad Company," so long as its charter shall contain the highly objectionable provisions to which I have alluded.

As it now seems evident that the principal part of the funds by which the road is to be constructed will have to be contributed by South Carolina, we must take care that the control of these funds shall not pass into other hands, and that the scale of operations be not disproportioned to the means of effecting them. And it is gratifying to perceive that so much can be done by North Carolina, Tennessee and South Carolina alone, even if it should be found necessary to act without the concurrence or co-operation of Ohio and Kentucky.

A scheme has been suggested, as you are doubtless aware, of conferring upon this railroad company the privilege of banking. I have given to this project the most deliberate and anxious consideration, and have been brought to a very decided conviction that it would be a measure pregnant with danger to our general system of credit and currency, and in all

respects inexpedient. Our banking system has already been carried to the extremest limit which prudence and sound policy will justify, and we have but too many indications that our local currency, in common with the general currency of the United States, is upon the eve of that fatal career of depreciation of which we had such a melancholy experience during, and for some time after, the late war with Great Britain. Nor are the reasons for indulging these gloomy apprehensions at all weakened by the common allegation that more good paper is offered to the existing banks than they are able to discount. In 1816, when the country was almost literally flooded with a redundant currency, this allegation was habitually made, and with as much truth as it is now.

Of the spirit of banking and borrowing, it may be said with more philosophy than poetry, that it is a monster which derives "increase of appetite from what it feeds on." The very act of throwing out excessive issues of bank paper by depreciating the value of current money, creates, to the full extent of that depreciation, an increased desire and necessity for borrowing, because an increased quantity of money becomes necessary to effect the exchanges of society. The constant and progressive appreciation of all kinds of property—which is but another form of expressing a depreciated currency—gives moreover a universal stimulus to the spirit of overtrading. During this downward progression, every man finds it to be his interest to borrow money and purchase property; because money will be less valuable and more easily obtained when the day of payment comes, than it was when he obtained the loan; the price of property, in the mean time, rising in proportion.

The trading community, and indeed almost all classes of society, become intoxicated with the spirit of gambling speculation in stocks, in land, and in everything else, and continue to move on under this high pressure system until, awakened from their delirium by an explosion, when he may be deemed singularly fortunate who escapes unhurt from the general wreck. No state of things can be more unfavorable to the regular pursuits of honest industry, more corrupting to the public morals, or finally, more destructive to the prosperity of an agricultural community. In the final catastrophe in which it must inevitably terminate, property becomes depreciated, money becomes more difficult to obtain, and in this state of things, all those who are indebted to the banks, have to sacrifice their property to discharge their obligations. And in the scene of general ruin which follows, the banks alone flourish amidst the distress and bankruptcy of the great body of the people. It is devoutly to be hoped that the spirit of stock-jobbing will not spread from New York and Albany to Charleston and Columbia, and above all, that the system of mutual bribery which has produced such fearful and demoralizing results in other quarters, will never pollute the sanctuary of our legislation.

A very strong, if not a conclusive reason against giving banking privileges to this railroad company, will be found in the fact that the capital

of the Bank of the State of South Carolina will be increased during the ensuing year to the extent of something like a million and a half of dollars by the sums which will be deposited in that bank from the Treasury of the United States. This will enable it to increase its discount operations at least to the same extent, and will certainly supply all the additional wants of the community for bank accommodations, beyond what can be supplied by the existing bank capital. And as the profits of the Bank of the State redound to the benefit of the people at large, it would be very unwise to diminish these profits at the present conjuncture by the grant of banking privileges to a company of individual stockholders; even if this could be safely done upon sound banking principles.

It is not easy to perceive upon what plan this railroad company can be transformed into a banking corporation, consistently with its original purpose. It is certain that the same capital cannot perform two incompatible functions. It cannot be paid out and expended in constructing the railroad, and at the same time remain in the bank to redeem its paper. Such an attempt as this would inevitably end in a mere paper bank, as it would be utterly impossible that it could redeem its bills on demand. If to obviate this objection it should be proposed to have a separate and distinct capital to sustain the operations of the bank, the plan would still be liable to very strong objections. It would be substantially forming the same body of persons into two distinct corporations, essentially different in their character and objects, and requiring entirely different qualifications for the conduct of their affairs.

It is not reasonable to suppose that this confusion of purposes and complication of duties would facilitate or expedite the completion of the undertaking for which the company was organized. On the contrary, there is too much ground to apprehend that this noble enterprise would be degraded into a mere concern of speculation and stock-jobbing. When it is recollected that the charter of this company positively prohibits it from all banking operations, it is to be presumed that some very cogent reasons will be required to induce you to repeal that prohibition. The only reason entitled to consideration which has been suggested, is the effect of this banking privilege in securing the requisite subscription of stock. But it is now apparent that as far as we can see our way clear for making the road, the means are already secured, if we add to the stock already subscribed the subscription which the Legislature will doubtless authorise to be made in the name of the State at the proper time.

I will remark, finally, on this subject, that the constitution of the directory, as the charter now stands, would be a conclusive objection on the part of the South Carolina stockholders to the granting of banking privileges to the corporation under its present organization.

Your predecessors have been at all times so justly sensible of the importance of having uniform and equal laws, administered by enlightened and impartial judges, that the organization of the judiciary system

has occupied a due share of their attention. It seems, however, that something yet remains to be done to complete that organization. The constitution of the Court of Appeals, by the act of 1835, has rendered what was before merely expedient almost a matter of necessity—an act providing that the sessions of that court shall be held exclusively at Columbia for the trial of appeals from all parts of the State.

I am also of the opinion that the great improvement which has been made in the intelligence of the people since the abolition of the county courts renders it highly expedient to re-establish that system now, though it may then have been wise to abolish it. In England, and in all the older States of this Union, it is as justly popular as it is extensively useful, having the high merit of administering justice without delay, "without money and without price." There is no district in the State in which an enlightened body of magistrates could not be obtained amply qualified to superintend the general police of the district, and exercise a civil and criminal jurisdiction limited to certain amounts, and to a certain class of offenses.

By transferring the powers now exercised by the ordinaries to those courts the fees of office would yield so liberal a compensation that persons of the very best qualifications could be obtained to act as clerks. Though the justices would receive no compensation but the conscientiousness of "rendering the State some service," patriotic citizens of the highest standing would, I doubt not, very cheerfully perform their several tours of duty in these posts of honor and usefulness And in the course of a few years the circuit courts would be relieved of so large a portion of the business they now have to perform that the number of the judges might be gradually diminished to a considerable extent, thus promoting a just and wise economy, without impairing in the slightest degree the efficiency of the general system, or the character of the court of final jurisdiction.

The recent organization of the militia is in the progress of realizing all the benefits which were anticipated from it. As schools of instruction for the officers, the brigade encampments have been found to be of inestimable value. I am thoroughly satisfied, from my observation and experience, that without these the whole system of militia musters and drills would be worse than unprofitable. They would be mere bungling pageants, calculated to bring all militia exercises into contempt and ridicule, and all militia officers into disrepute. When the colonels of regiments and captains of companies are thoroughly competent to drill their respective commands, there is but little difficulty in preparing the body of the militia to defend their rights. With such officers, I believe the most inexperienced troops—I mean militia, not enlisted troops—could be well prepared to take the field in six weeks. Everything depends upon the officers, and most upon the captains of companies, on whom it devolves

to teach the elementary principles and movements by which all the combinations of military tactics are effected on the field of battle.

But it is absolutely essential to the utility of a drill that it be conducted or superintended by a competent officer. According to the true theory and original design of the office of adjutant and inspector-general, that officer should be the chief drill officer of the State. He should be required to attend the muster of every regiment in the State once a year, and conduct the drill himself as the instructor. He should also be required to attend every brigade encampment, and to drill the officers in the same character, and be vested with the necessary authority without reference to his nominal rank. As a compensation for these laborious, expensive, and most useful services, his salary should be raised to at least twenty-five hundred dollars. This would enable you to command the services of a young man of military pride, thoroughly master of his duties, and who would devote his whole time to their performance. Such a man would be worth more to the State than any officer in it, civil or military; whereas, an incompetent officer, without the proper energy and military spirit, would be a positive nuisance.

The improvement of our militia has been as much retarded heretofore by the want of a suitable and uniform system of tactics and regulations as by its want of organization. The officers of many of the regiments cannot procure books of any kind, and all the copies of infantry tactics provided by the authority of your predecessors, are exhausted. The United States have recently adopted a new system of infantry tactics, embracing all the recent improvements of the French, prepared by Major-General Scott, to whom the country is greatly indebted for the means of acquiring a scientific knowledge of the military art. This new system is a very decided improvement upon anything previously published, and Major-General McComb has prepared from it a very judicious abstract, to which he has added artillery and cavalry tactics and the army regulations, embracing the whole in the compass of a small and cheap volume. As we are under a constitutional obligation to conform to the system of the United States, and as the system they have now adopted is likely to be permanent, I have purchased five hundred copies of this work out of the appropriation of the last session, and I recommend that a sum be appropriated sufficient to supply all the officers of the State with one copy. The cost will be very inconsiderable in comparison with the object, as this small volume, costing only fifty cents, is in itself a very tolerable military library.

Out of the sum appropriated for that object, I have purchased a suitable site and caused an arsenal to be erected, in this place, capable of containing six to eight thousand stand of arms. When the magazines and barracks are completed, the whole will be as creditable to the liberality and forecast of the Legislature, as it will be conducive to the public safety.

I feel it to be my duty to bring to your view some measures for improving the condition, elevating the character, and extending the usefulness of the chief executive department of this government, which I have been restrained, by very obvious considerations, from suggesting at an earlier period. There is no reform in the practical operation of our system of confederated sovereign communities, and in the state of public opinion connected with it, more important to the security of our civil institutions than that which shall restore the lost equilibrium of that system, by raising up the State governments from that low point of depression to which they have been carried by the adverse political currents of the last twenty years, to their primitive dignity and power. The steady progress of Federal encroachment, while undermining and carrying away the constitutional barriers of our safety, has given a false direction to the public opinion of our people and the ambition of our statesmen. The latter must be thoroughly corrected, before the former can be successfully resisted. It will be in vain that we struggle to maintain the great conservative doctrines of the South, while the chief magistrates of high-minded Southern States—the representatives of their sovereign dignity—shall descend from their lofty elevation, prostrate the insignia of their offices at the very foot-stool of the Federal executive, craving at his hands the miserable honor of a mission to the Indian tribes, or a permanent agency among them, and moving off upon this degrading errand, without encountering the scornful and indignant hisses of the people, whose sovereign honor he has betrayed and tarnished.

With a view of counteracting these degrading tendencies, as well as of increasing the respectability and usefulness of his office in other respects, I recommended that the salary of the Governor be increased to five thousand dollars; that he be required to reside habitually at the seat of government, and that a suitable house be erected for his accommodation. This is almost the only State in the Union where a mansion, corresponding with the dignity of the office, is not provided for the residence of the Chief Magistrate, and where that officer is not required to reside permanently at the seat of government.

In practice, the chief executive department of this State is now either the private residence of the Governor, often on one extremity of the State, or a sort of traveling headquarters. In this state of things the people are exposed to great inconvenience, and the unfortunate often fail to receive the benefit which they would otherwise derive from his exercise of the prerogative of mercy, by the difficulty of ascertaining or of reaching the place of his residence for the time being.

I also suggest, as a measure of obvious expediency, the repeal or modification of the provision of the constitution, which renders the Chief Magistrate ineligible for four years after serving one term. As he is almost entirely destitute of patronage of any kind, there is no conceivable reason why the people should impose this jealous restriction upon

themselves, by which it must frequently happen that they will be deprived of services which they would be very anxious to retain, to the serious detriment of the public service. As the constitution now stands, no system of policy, depending upon the Chief Magistrate and requiring a series of years for its execution, can be successfully accomplished.

I have received from the governors of the several confederate States, resolutions on the subject of the proceedings of certain abolition societies organized in the non-slave-holding States, and I now lay these resolutions before you in compliance with the request by which they were accompanied. Most of them, as you will perceive, are from the legislatures of slave-holding States, and are characterized by a patriotic spirit, an enlightened comprehension of our common rights, and firm determination to defend them, worthy of the high sources whence they emanated.

I am constrained, however, to express my sincere regret that notwithstanding the solemn appeal made by South Carolina and other slave-holding States, to the States in which those abolition societies were formed, invoking them to interpose their legislative power for the purpose of suppressing these seditious machinations against our peace and safety, which were openly carried on under the protection of their laws and sovereign jurisdiction; but three of these States have even condescended to notice this appeal, and not one of them has taken any steps towards suppressing the injurious practices of which we so justly complained.

Considering the fraternal spirit in which our application was conceived, and the respectful language in which it was expressed, I cannot but regard the entire neglect with which it has been thus generally treated, as a silent but significant indication of the alarming state of public opinion which already prevails amongst the great body of the people in the non-slave-holding States, and a solemn admonition to the slave-holding States to guard their institutions with sleepless vigilance, and be at all times prepared to defend them, by all the measures and all the means which the emergency may demand. After what has occurred, it will not comport with the dignity of South Carolina, as a sovereign State, deeply aggrieved by the practices to which I have referred, to hold any further correspondence on the subject with those States that have treated our complaints with this total neglect and silent indifference.

It is now time that discussion should cease. "The argument is exhausted," and though we may not be called upon to "stand by our arms," we should be prepared to adopt efficient and decisive measures for our own security, as soon as it shall be ascertained that the combined guarantees of international law, and of our constitutional compact of Union, are insufficient to restrain the ferocious spirit of fanatical interference, which is now waging war against our institutions. It is no longer to be endured that the Federal compact, which should be a covenant of eternal peace

among the States, and a shield to protect their respective institutions from every species of mutual intermeddling, should be used as the constant pretext for this conspiracy against our lives, our property and our character.

We must be permitted not only to enjoy our rights of property, but to enjoy them in peace and security. It is a gross outrage for one community to attempt to overthrow the institutions of another, *even by discussion.* If committed by a foreign State it is a just cause of war; if by a confederated State, it is a just cause of separation. In either case it is a simple question of expediency to determine where the evil has assumed a character to warrant a resort to the ultimate remedy.

Such is the rapid progress of the spirit of abolition in the non-slaveholding States, that no human sagacity can tell how soon that period may arrive. We fatally deceive ourselves, if we suppose its fury has abated. On the contrary it appears from the annual report of the American Anti-Slavery Society, which assembled at New York in May last, that the abolition societies had swelled in number from 200 to 523 since the report of the preceding year.

The society triumphantly boasts of its progress, declares its reliance on those whom it denominates " bone and muscle of society," the " hard-handed, clear-headed, free laborers and mechanics of the North," and that the opposition to the abolitionists is confined to " the heads and tail of society—purse-proud aristocrats and pennyless profligates." It then proceeds with unfuriated zeal, without the piety of Peter the Hermit, to rally its partisans for a crusade against the slave-holders, by exclaiming: "Friends and fellow-laborers, the enemy stands openly before us. His foot is on the neck of 2,500,000 of our fellow men. He asserts the right to maintain his position and increase the number of his victims. He begs no longer favors from the circumstances of the case; he boldly avows slavery to be the best condition of the laborer. Such is the enemy we find rampant amidst our free institutions." In this strain of insolent assumption, the American Anti-Slavery Society continues, through some fifty pages, to denounce the slave-holders, for the obvious and avowed purpose of holding them up to the abhorrence of the Northern people, confidently affirming that " the yeomanry of the land will unite on this question, and identify their interests with those of the slave." That " they will throw away political and sectarian predilections, and stand forth on the broad ground of human rights." And that from this class the cause will always gain, and never lose, " till slave-holding shall be synonymous with robbery in public opinion, as it is in fact."

I have long believed that while a large portion of the men of intelligence and property in the North were opposed to every species of interference with the institutions of the slave-holding States, the great body of the people, headed by that class of desperate politicians, who hold that no charters are sacred, would finally rally under the banners of the

abolitionists and carry everything before them in the elections. When this crisis shall arrive, those who now claim for Congress the constitutional power to emancipate the slaves in the District of Columbia, will as boldly claim the same power in regard to the States. Their whole course demonstrates that this is the consummation at which they are aiming. It is neither calculated nor designed to convert the slave-holders, but to unite people of the non-slaveholding States in favor of the emancipation of our slaves. And it is evident that this would not conduce in any respect to the accomplishment of their object, unless by a resort to legislative power or physical force. Such being the apparent tendency and design of these discussions and proceedings, it devolves upon you to decide what measures shall be adopted to arrest them.

In many of the popular meetings at the South assembled to consider the subject of the incendiary proceedings of the abolitionists, the States in which those proceedings were carried on, were called upon to suppress them by penal enactments, and it was declared that if this redress should be refused, it would be expedient for the slave-holding States to meet in Convention, to consider the means of protecting themselves. In alluding to these proceedings at the South, the American Anti-slavery Society exultingly declares that no legislative body in the non-slave-holding States, and but one popular meeting, had dared to *propose* penal enactments against the abolitionists, and yet that the slave-holding States shrunk from the execution of their threatened call of a Convention.

This the society sets forth as one of its grounds of encouragement and adds: "The threat is grown stale, and its terror can never be restored." The intention is finally declared of urging upon Congress the immediate abolition of slavery in the District of Columbia, and the hope is expressed that the tables of that body will "groan with a tenfold weight of petitions."

It is quite apparent that as long as the halls of Congress shall be open to the discussion of this question, we can have neither peace nor security; and it is still more apparent that whenever the Federal Legislature shall usurp the power of emancipating the slaves in the District of Columbia, the only security of the Southern States will consist in promptly and peaceably withdrawing from the Union. With a view, therefore, of warning the people of the North of the consequence of such an usurpation, that they may be restrained from longer agitating a subject so deeply involving our very existence as a people, I suggest to you the expediency of making a solemn legislative declaration, that Congress has no right to abolish slavery in the District of Columbia, and is under no constitutional obligation to receive the petitions of the people of any of the States praying for such abolition; and that whenever Congress shall emancipate the slaves in the said District, or in any of the Territories of the United States, South Carolina, in common with the other slave-holding States, will be absolved from all constitutional or moral obligation to remain any

longer in the Union, and may, rightfully and peacefully, withdraw from it. While South Carolina is thus indignantly repelling all foreign attempts to violate the sanctuary and endanger the existence of her domestic institutions, it becomes her, in a peculiar manner, to abstain from every sort of interference with the domestic concerns or domestic controversies of all other States, foreign or confederate. The doctrine of non-interference is one of the most important in the code of international law, and there are no communities on earth who should hold it so sacred as the slave-holding States of this Union. If, by their example, in giving countenance to the unlawful enterprises of their own citizens against a neighboring and neutral power, they should weaken the influence of that principle among nations, they would commit an offense against their own institutions by impairing the sanctity of their surest guarantee against foreign intrusion.

Entertaining these opinions, I have looked with very deep concern, not unmingled with regret, upon the occurrences which have taken place during the present year, in various parts of the United States, relative to the civil war which is still in progess between the Republic of Mexico and one of her revolted Provinces.

It is true that no country can be responsible for the sympathies of its citizens; but I am nevertheless utterly at a loss to perceive what title either of the parties to this controversy can have to the sympathies of the American people. If it be alleged that the insurgents of Texas are emigrants from the United States, it is obvious to reply, that by their voluntary expatriation—under whatever circumstance of adventure, of speculation, of honor, or of infamy—they have forfeited all claim to our fraternal regard. If it be even true that they have left a land of freedom for a land of despotism, they have done it with their eyes open and deserve their destiny. There is but too much reason to believe that many of them have gone as mere adventurers, speculating upon the chances of establishing an independent government in Texas, and of seizing that immense and fertile domain by the title of the sword. But be this as it may, when they became citizens of Mexico, they became subject to the constitution and laws of that country; and whatever changes the Mexican people may have since made in that constitution and these laws, they are matters with which foreign States can have no concern, and of which they have no right to take cognizance. I trust, therefore, that the State of South Carolina will give no countenance, direct or indirect, open or concealed, to any acts which may compromit the neutrality of the United States or bring into question their plighted faith. Justice—stern and unbending justice—in our intercourse with other States, would be paramount to all the considerations of mere expediency even if it were possible that these could be separated. But they cannot. Justice is the highest expediency, and I am sure South Carolina is the last state in theUnion that would knowingly violate this sacred canon of political morality.

If any consideration could add to the intrinsic weight of these high inducements to abstain from any species of interference with the domestic affairs of a neighboring and friendly State, it would be the tremendous retribution to which we are so peculiarly exposed on our Southwestern frontiers from measures of retaliation.

Should Mexico declare war against the United States, and, aided by some great European power, hoist the standard of servile insurrection in Louisiana and the neighboring States; how deep would be our self reproaches in reflecting that these atrocious proceedings received even a colorable apology from our example, or from the unlawful conduct of our own citizens!

There is one question, connected with this controversy, of a definite character, upon which it may be proper that you should express an opinion. You are, doubtless, aware that the people of Texas, by an almost unanimous vote, have expressed their desire to be admitted into our confederacy, and application will probably be made to Congress for that purpose. In my opinion, Congress ought not even to entertain such a proposition in the present state of the controversy. If we admit Texas into our Union, while Mexico is still waging war against that province, with a view to re-establish her supremacy over it, we shall, by *the very act* itself, make ourselves a party to the war. Nor can we take this step without incurring this heavy responsibility until Mexico herself shall recognize the independence of her revolted province.

We have no official information of the precise state of our relations with Mexico Enough is known, however, to satisfy us that the conjuncture is eminently critical. Let us be scrupulously careful that we do nothing to countenance, and all we can to prevent, the calamity of a war. We are now engaged in a fearful and doubtful struggle to reform our Federal system of government, by throwing off the corruptions under which it is rapidly sinking.

In this state of things a war with any country would be the greatest of calamities, for we could scarcely hope to come out of it with anything but the mere wreck of a free constitution and the external forms of a free government.

But may heaven avert these inauspicious omens, and direct all your measures to the advancement of our true glory and lasting happiness as a free and a favored people.

GEORGE McDUFFIE.

THE BOOK OF NULLIFICATION.

Chapter I.

1. Now it came to pass that in those days John of Quincy reigned over all the land of America.

2. And in the third year of his reign, John commanded to gather together the governors, and the captains, and the rulers, and all the counsellors of the realm.

3. And the governors, and the captains, and the rulers, and the counsellors of all the land were gathered together, and they stood before John, in the city called Washington.

4. Then stood forth a counsellor from the provinces of the East, and he spoke aloud, and said:

5. "O, men of the East, and of the West, and ye from the provinces towards the middle; verily the land wherein ye dwell produceth abundantly the fruits of the earth, and your flocks yield increase, and your laborers are weary with toil.

6. "Yet ye prosper not, neither do you partake of the abundance of the earth; that which ye have, your neighbor also hath, and that which ye want ye must send for afar off; and ye exchange not with your neighbor, but with the stranger that is without your gates.

7. "Wherefore, let us take counsel together, and make to ourselves a statute, to be ordained by John, the King, even an ordinance to shut out the stranger and his merchandise, and let us make to ourselves all that is needful to the body."

8. And the name of this counsellor was Mallary; which being interpreted is, "That which causeth pestilence."

9. And his voice was sweet to the ears of the rulers, and the captains, and the counsellors from the East and from the West, and from the provinces down about the great city, and they hearkened unto his counsel.

10. But the rulers and the counsellors from the provinces of the South would not hearken thereto, but they rent their raiment in vexation, and were made sorely wroth.

11. And the rulers, and the captains, and the counsellors from the East, and from the West, and from the central provinces, bowed before John, the King, and besought him to ordain the statute which Mallary had devised; and John commanded that it should be so.

12. Now, it came to pass, that before those days, a certain great Prophet had arisen in the South, and his name was called George.

13. And in the reign of James, of Virginia, the word was proclaimed by George, that lo! a time should come when the Kingdom of America would be unable to give sufficient honor, and distinction, and power, to all the rulers, and the captains, and the counsellors of the land.

14. And that certain men should strive to rend in twain the realm, and to set over each portion thereof another chief governor, and other rulers and captains.

15. Now, when John had commanded the statute to be ordained, the men of the South remembered the words which George had prophesied, and they had faith, and believed that the fulfilment thereof was at hand.

16. And the rulers, and the captains, and the counsellors of the South, gathered together, even in the city called Washington, and George, the Prophet, was in the midst of them.

17. Then George stood forth and said: "Ye men of the South, if ye be minded to fulfil all that is written in the book of my prophecies, even the book called '*One of the People*,' this day shall ye see made manifest the truth therof.

18. "Arise, now, and go straightway to your people, and cry aloud against the statute which John hath ordained; and say that ye have been betrayed, and oppressed, and ruined, and undone. Declare that ye must break the yoke of the King, and lo! I will give you a King to reign over yourselves, even John my kinsman, the Magician from the South."

19. Now the words of George seemed good unto many of the wise men, and the rulers, and the captains of the South; and they took counsel together to rebel against the power of John of Quincy, and to render asunder the provinces of the South from the provinces of the East and West.

20. But a certain wise man, a ruler of the people, called William, purposed in his heart to do that which was just in the sight of Heaven, and he gave no faith to the words of George, and he refused his counsel.

21. And Thomas, of Winyaw, would not bow down before John, the Magician; but he turned aside, and he opened his mouth and spake to the people of the South the whole counsel of George, and all the words which the evil counsellors from the South had uttered.

22. Then the wise men, and the rulers, and the captains, who had hearkened to the words of George, took counsel together to slay Thomas before the people, and they sent up to destroy him one of their captains, even Robert, who was afterwards surnamed "The Nullifier."

23. Now, Robert stood up before the people, and with many words declared the saying of Thomas to be false, and he besought the people to cast stones at Thomas, so that his voice might no more be heard.

24. But Thomas had the fear of the Lord before his eyes, and his heart was strengthened.

25. Then called he aloud on William the Just, to verify the words which he had spoken of Robert, and of George, and of John the Sorcerer, and of the other evil rulers and counsellors from the South.

26. And William being a just man, had respect unto the truth, and verified the words of Thomas which he had spoken, and set before the men of the South the design which their evil counsellors had in their hearts against the Union of the realm of America.

27. So Robert, the Nullifier, was put to manifest shame before all the people.

28. And it came to pass that James, the son of James, was a captain over the provinces of the South, and was one of those who had conspired with George, the Prophet, and with Robert, and with John, the Sorcerer, in the plot which they had devised against the people of the South.

29. Now when Thomas, of Winyaw, had spoken to the people the counsel of George, James was sorely troubled, and his heart smote against his breast, because it was he of whom the word had been given by the mouth of the prophet George, "that ONE Government over all the land of America would not be sufficient for the ambition of all its princes and rulers and captains."

30. And James rose and stood before Robert and said to him: "Verily, O Robert, we are in great peril; we have in the days which are past caused to be made statutes and ordinances like unto those which now spare not the people of the South, and which cleave asunder their rights.

31. "We have given counsel to John, and to the King before him, even to James, of Virginia, to eschew the voice of the wise captain from the South, even of William, from the province of Georgia, and we have turned into outer darkness the men who are called 'radicals.'

32. "Wherefore, O Robert! the people of the South may not put faith in the cry which we must raise against the statute of John, of Quincy, and against the words of Thomas, of Winyaw—but be not cast down, O Robert!

33. "For I, even I, James, will forthwith put from me for a time all honor and distinction and power, and I will return to the people of the South and will say unto them, Lo! I have laid aside all power and might, and have become as one of the most humble of these my countrymen.

34. "And I will declare to them that the counsel which we gave to James the King was evil, and that in those days I, James, was under '*a natural delusion;*' and I will say that I have repented thereof; and then we will cry aloud against the ordinances of John of Quincy, and spare not.

35. "Then, O Robert! the people who have hearkened unto the words of Thomas will again put their trust in us, and they will make me a Governor to rule over them, and then we shall have wherewithal to slay Thomas before the people, and to cast out William the Just, and to make John the Conjuror to reign over the land."

36. And Robert hearkened unto the counsel of James, and his soul was confronted and his countenance was lighted with joy.

37. And in the fourth year of the reign of John of Quincy, James, the son of James, performed the promise which he had made to Robert the Nullifier, and returned home with fear and trembling to his people.

Chapter II.

1. Now when James, the son of James, had returned to his people, he gathered together the captains, and the wise men, and the rulers of hundreds, and the rulers of tens in all the land of Colleton, which is hard by Charleston.

2. And he cried aloud against John of Quincy, and against the statute, and against the tariff which he had ordained.

3. And he opened his mouth and said, "Ye men of Colleton! lo, the people of the East, who are called Yankees, have smote your land with a scourge; they have despoiled you of your substance and put chains upon your members; they have robbed your fields of their increase, and "the fox peeps forth from your ruined chateaus."

4. And the men of Colleton turned their eyes to the East and to the West, for they knew not the thing which is called a "chateau;" they felt their arms for chains, but they were free.

5. And they looked forth on the fields, but they were fresh with verdure, and the land was without scourge; and they marveled greatly at the words of James.

6. But James called aloud on the name of George the Prophet.

7. And George answered in a voice like the rushing of many waters and said unto the people, "Awake, stand up, O men of Colleton, who have drunk at the hands of the Yankees their cup of fury."

8. "Verily, I say unto you, that although your fields are green and your hands free, yet desolation and destruction and famine shall surely come upon you, for by the spirit of John, the Conjuror, I swear that great and inconceivable are the evils which the tariff of John of Quincy shall bring to pass.

9. "Wherefore, O men of Colleton, let not your hearts be faint, but hearken to the works of James and wax stronger in the faith—for lo! I will show unto you a hidden secret."

10. Then George waved his hand before the eyes of the men of Colleton, and they beheld in the air a host of Yankees bearing from the fields of the South "forty of every hundred parts" of the increase thereof.

11. And he gave them to drink of certain liquor, which James and his companions had procured from the kingdom beyond the great waters, even from the land of Champaigne, and they waxed warm, and they felt the chains and the shackles whereof James had spoken.

12. And the men of Colleton were astonished at the power of George and of James, the son of James, and they bowed down to them and worshiped them.

13. So the words of James, which he had spoken, were made manifest to them, and they gnashed their teeth and shouted aloud.

14. On that same day James departed from among them and went down by the sea to the city called Charleston.

15. Now it came to pass that John of Quincy was gathered to his fathers and Andrew sat upon his throne.

16. And John the Conjuror, and Robert the Nullifier, and George the Prophet, and James, the son of James, feared in their hearts the power of Andrew, for he was a just man, and had the fear of the Lord before his eyes.

17. And they bowed before his throne, and spake in a loud voice to the people, saying: "We, even we, are the faithful servants of Andrew, and will do honor to his name."

18. But the heart of John the Conjuror, was in secret turned against Andrew, and he was greatly wroth against him, and his countenance fell—for his soul coveted, strongly, the throne whereon Andrew sat.

19. Now when John the Conjuror had seen the power of George the Prophet, and of James, the son of James, made manifest upon the men of Colleton, he gathered unto him all the wise men, and the rulers, and the captains of his faction to take secret counsel together.

20. And George the Prophet was in the midst of them; and Robert and James, the son of James, were not afar off.

21. Then John opened his mouth and said: "Men and brethren, verily we have cried aloud against the Tariff ordained by John of Quincy, and my servants, George and James, have made ready the men of Colleton and of Edgefield, and we have sought to prepare all the provinces of the South.

22. "So that if it should come to pass that John of Quincy should continue to sit upon the throne we could rend from him the provinces of the South, and place a King to reign over them.

23. "Then should we all have honor, and power, and distinction, and glory; and my servants, George, and James, and Robert, would be set in high places.

24. "But now, men and brethren, behold, the people give more honor and love to Andrew than to me, and they bow down with veneration before him, and if we cry aloud against Andrew, as we did against John of Quincy, they will cast stones at us.

25. "Wherefore let us go forth to all the provinces of the South, and let us confound the understanding of the people, and let us, with one accord, declare to them that the King's counsellors at the great city are seeking to despoil them.

26. "And we will arouse them to vengeance, and we will send forth George the Prophet, and Robert, and James, and there will be a mighty commotion.

27. "And we shall have meetings and feasts, and meat offerings, and drink offerings over all the land of the South; and when the hour shall come, then shall we cause the people to NULLIFY the statute which was ordained in the reign of John of Quincy."

28. "And peradventure Andrew the King will wax wroth thereat, and will send forth a power to enforce the statute and the ordinances of the

realm; but we shall rejoice the more, for the South will become as a fiery furnace for Andrew, and the people will be as tigers when their garments are stained with blood.

29. "Then shall we be able to send forth a multitude against Andrew the King, and we will do battle with him, and we will rend asunder his dominions, and we will take to ourselves the rich provinces of the South, and set over them another King and other Princes and Governors.

30. "And I, John, will cast for ye all a Graven Image, which shall be endued with great power to blind the eyes of the people, and to shut their ears, and ye shall set it up in a high place, and ye shall bow down before it and worship it.

31. "And the name of the Graven Image shall be called 'NULLIFICATION,' which being interpreted is 'DISUNION,' and the place wherein ye shall set it up shall be called 'CONVENTION.'"

32. And the counsel of John the Conjuror seemed good to all the chief men, and the rulers, and the captains, who were gathered before him, and they departed straightway every man to do his allotted part.

CHAPTER III.

1. Now in the second year of the reign of Andrew, he commanded the governors, and the rulers, and the captains, and the wise men of all the land of America to gather together at the city called Washington.

2. And the commandment of Andrew was hearkened to throughout the land, and the governors, and the rulers, and the wise men stood before him; and Robert the Nullifier was among them.

3. Now Robert, in the beginning, was upright, and feared the Lord, and eschewed evil; and he increased in substance and in honor before his people.

4. But he hearkened to the voice of John the Conjuror, and his heart became changed in the sight of Heaven, and prudence departed from him.

5. And he arose before all the rulers, and the captains, and the wise men, who were gathered together in the city called Washington, and he set up before them the graven image which John had made, even the image NULLIFICATION, and he commanded them to bow down before it and worship it.

6. Then John the Conjuror became sorely troubled, and his spirit was disquieted within him, and he rent his garments in vexation because Robert had neglected to hide the graven image in the place called Convention, and had openly brought it forth before all the people.

7. And he feared greatly lest the graven image should be cleft asunder, and lest the enchantments and sorceries which he had placed therein should be destroyed by the wise men who stood before him; and his fears were not vain.

8. For a certain Daniel arose and smote the graven image, and threw it upon the earth in sight of all the rulers, and captains, and wise men of the realm.

9. But Robert straightway arose and set it up again, and he placed around it a palisade of osiers, and beyond the same he erected a patchwork, gathered together from the East and from the West, and from the North and from the South.

10. And over the whole he caused to be written a superscription in letters of English, "THE CAROLINA DOCTRINES."

11. Then Daniel girded up his loins, and stood forth before all the rulers, and the captains, and the wise men; and he tore into fragments the patchwork which Robert had made.

12. And he overturned with his feet the palisade of osiers, and he smote a second time the graven image, and he cast it down before the people, and he struck from it the head, and broke the body into pieces.

13. Now Robert was greatly wroth at the act which Daniel had done, and he seized upon the pieces of the idol, and endeavored to set them together before the people.

14. But a certain wise man named Edward, a ruler over the province of Louisiana, and an elder of the people, arose and stood before Robert, and said unto him:

15. "Peace be unto thee, O Robert! let not thine anger arise within thee against Daniel, for I say unto thee, thy path leadeth to error.

16. "The graven image which thou hast set up is made of sorceries and enchantments, and is evil in the sight of God and man; and though peradventure Daniel hath dealt hardly by it, and by thee, yet I, even I, Edward, who hath stood by thee in good report and in evil report, must say unto thee, of a surety this thy NULLIFICATION is but emptiness and vanity.

17. "Wherefore, O Robert! deliver to me the fragments thereof, that I may cast them forth upon the face of the earth."

18. So Edward took the pieces which Robert had gathered, and scattered them as dust before all the people.

19. And all the rulers, and the captains, and the wise men of the land, departed from the presence of Andrew the King, and returned to their homes.

20. And Robert the Nullifier departed in sorrow, and would not be comforted; and he went down by the sea to the city called Charleston, and sought out James, the son of James.

CHAPTER IV.

1. Now when Robert was come to the city called Charleston, the people had compassion upon him, and no man opened his mouth against him.

2. And the elders and the chief men of the city sought to comfort him, for they verily believed that he had repented him of his evil ways, and had hearkened to the voice of Edward, and had eschewed the worship of the graven image called NULLIFICATION.

3. But when Robert saw the elders and the chief men, that they yielded honor to his name, his heart waxed bold, and he was puffed up in his own conceit.

4. And he called upon James, the son of James, who is surnamed "the Deluded," and said unto him, "Verily the men of Charleston know not of the shame we have been put to at the hands of Daniel, neither have they heard that our graven image hath been broken in pieces, and hath been exposed before the rulers of the land.

5. "Wherefore, O James, let us again put together the pieces, and let us cause it to be set up in a high place before the men of Charleston, even in the City Hall; and let us make a great feast, and let us gather together all the people, and let us say unto them:

6. "O men of Charleston! lo, this is the cunning device which hath been contrived by John, the great Conjuror, whereby to destroy the Yankees, your enemies, and to put off from you the evils which George the Prophet hath declared will surely come from the ordinance of him called Mallary.

7. "And its name is called NULLIFICATION; and behold it has great power and dominion over the hearts of men, for when it shall speak unto Andrew the King, he shall tremble with dread, and the ordinance, even the Tariff, shall straightway become null and void."

8. And the counsel of Robert seemed good in the sight of James, and he trusted that the people would believe, and he did as Robert had spoken.

9. Now there was a certain man of Charleston named Henry, a ruler of the people, *and he had a "Grandfather."*

10. And he was the High Priest who stood before the altar of the false god of the heathen, even of him called MERCURY, to whom the thieves and the liars and the evil speakers of the nations offer sacrifice.

11. Now Henry bowed down day by day before the altar of the strange god, and offered sacrifice thereat, large sheets of paper, stamped and written upon in characters of ink; and afterwards he gave the sheets to his kinsmen and his friends, and they read the characters, and believed in them.

12. And the sheets of paper found favor with the false god, for they were acceptable unto him, and he put upon them a superscription, even his own name, "THE MERCURY."

13. Now when Robert and James saw the daily sacrifice of Henry, and that much people received at his hands the sheets of paper, and believed in all that was written upon them, they rejoiced greatly, for they put their trust in Henry.

14. And they besought Henry to set up Nullification in the temple of Mercury, and to offer incense thereto, and to find it favor in the sight of the people.

15. And Henry the High Priest hearkened unto their request, and he gave unto the people hundreds and thousands of the sheets of paper, which were daily sacrificed, and he caused to be written thereon praises unto the graven image, which John the Conjuror had made, and he pronounced it a good thing to give honor and adoration thereunto.

16. And he desired his followers and all the multitude to come down to the feast which Robert the Nullifier had counseled to be made, and he said unto the people, that lo! it was a feast of peace offering, and that thereby they should do honor to all their rulers, and even to William the Just, whom they loved.

17. So the people of Charleston listened to the words of Henry, and many of them gathered together to the feast; and Robert the Nullifier, and James, the son of James, who is also called the "Deluded," were in the midst of them.

18. Now it came to pass that William the Just had returned to his people, and Robert and James entreated of him to come unto the great feast, for they knew the favor which William had found in the sight of the men of Charleston, and they desired under the shadow of his wing to profit thereby.

19. And they concealed from William the secret purpose which they had in their hearts, to make the feast in honor of the graven image Nullification; and they vowed that it was a meat offering of respect from all the people to William, and to the elders, and to the rulers of the land.

20. So William did even as he was entreated, and went up to the feast; and many of his kinsmen and friends also gathered together, for they verily believed that where William was, there might they be also.

21. And Henry the High Priest also called unto the feast LANGDON.

22. Now Langdon was a man of humble condition, whose lot had been cast among the lowly, and he could not like Henry the High Priest, point up to a grandfather, and claim his station as an inheritance.

23. But Langdon eschewed evil, and was earnest in well doing, and he made himself a name throughout the land, and the people honored him for his virtues, and gave unto him riches and distinction, and power.

24. And they made him a ruler over the land, and sent him up as a counsellor before the King, at the great city; and the King had respect unto him, and set him in high places.

25. Then Langdon became puffed up, and his heart was filled with pride, and he forgot his former condition of humility; and he forsook the people who had elevated him, and departed from amongst them.

26. And he put his trust in the fame which had gone before him from the provinces of the South, and from the great city, and he sought a larger kingdom, wherein he might obtain greater riches and power than could be had in the land whence he had departed.

27. And he pitched his tent in the land of Pennsylvania, and he made to himself a great tabernacle in the city called Philadelphia, and he spake

kindly to the people, that they should hold him as a brother, even as he had been held among the men of the South.

28. But the men of Pennsylvania hearkened not to the words of Langdon, and they put no faith in him, for they saw that his heart was set upon the high places of the land; and they yielded unto him neither favor nor distinction, but looked upon him as a stranger and sojourner among them.

29. Then Langdon was greatly vexed, and his soul was disquieted within him, and in his wrath he swore vengeance against the men of Pennsylvania, and he departed from amongst them, and wandered among the provinces, without any fixed habitation or abiding place.

30. Now it came to pass that James, surnamed the "Deluded," and Robert the Nullifier, knew of the discontent which overshadowed the heart of Langdon, and they believed that the name of Langdon was still great in the provinces of the South, and they imagined that the hour was come in which they could prevail upon him to bow down before John the Conjuror, and to serve him.

31. And they gathered together around Langdon, and they comforted him, and they promised to avenge him of the despiteful treatment of the men of Pennsylvania; and James led him to a far country, and showed unto him the rich fields of the South, and said unto him:

32. "Behold, O Langdon! here is abundance of the fruits of the earth; rice and sugar doth the land yield forth freely; wherefore pitch thou here thy tent, and thou shalt increase in riches and power, and thy sons shall receive honor and distinction at the hands of the people of the South."

33. And Langdon was comforted by the words of James, and he did even as he had counseled; and he pitched his tent amongst the fertile lands near the great river, even the Savannah; and he went down with James by the sea, to the city called Charleston.

34. And the friends of John the Conjuror, and of Robert, and of James, took Langdon by the hand, and they gave unto him meat offerings, and drink offerings, and feasts, and his name became great among the lords and princes of the land.

35. But when the men of low degree who are called Republicans, and who were the ancient friends of Langdon, came near unto him, Langdon turned another way, and he knew them not.

36. And the people marveled greatly at Langdon; and they saw that he was a deserter from the faith, and they looked upon his face, and behold it was greatly changed, and they knew not what manner of man he was, and they feared greatly that he was given over to the enemy.

37. So they held their peace, and every man went his own way with his heart awakened to suspicion against Langdon, and some called him *the Disappointed.*

38. Now the same Langdon it was, whom Henry the Chief Priest, and James, the son of James, and Robert the Nullifier, had bidden unto the great feast at the city called Charleston, even the FEAST OF NULLIFICATION.

CHAPTER V.

1. Now there was a certain man of large stature and of weak sight who dwelt in the city of Charleston, and he was a scribe, and his name was called Robert.

2. And the heart of Robert yearned towards the men who dwelt in an Island beyond the great waters, and he loved them with all his soul, so the men of Charleston called Robert, "*the Englishman.*"

3. And Robert in his heart hated Andrew the King, who reigned over the realm of America; for the same Andrew it was, who slew near the great river Mississippi, thousands of enemies, who came from the distant Island which Robert loved.

4. And John the Conjuror, saw into the heart of Robert the Englishman, and he wrote letters unto him, giving praises unto the graven image called NULLIFICATION, which John had made, and saying, that it was mighty, to make the provinces of the South one realm with the distant Island, towards which the heart of Robert yearned.

5. Now, Robert the Englishman had faith, and believed in the words of John, and he came also to the *great Feast of Nullification*, to do honor thereunto.

6. Then the rulers, and the elders, and the wise men, and all those who came unto the feast, gathered together, and were seated around the tables in the Great Hall of the city, and they did eat.

7. But James, who is surnamed "the Deluded," and Robert the Nullifier, feared much, lest the eyes of William the Just, should alight upon the graven image, NULLIFICATION, for they knew he would expose it to all the people.

8. So they set the Idol in a high place, and covered it over with a *Cloth of Stripes and of Stars*, and William saw the cloth, and believed it was the banner of the nation, and he knew not what was beneath.

9. And all the people did partake of the feast, for they nothing doubted but that they thereby made manifest their love and their veneration for the name of him whom they delighted to honor.

10. And they called aloud on William the Just, and gave praises unto him, "as a cherished son of the South, disciplined in her best schools of chivalry and honor."

11. Then William arose before all the people, and gave thanks for the love wherewith they had honored him, and he opened his mouth and said,

12. "Verily, O men of Charleston, ye have heard much clamor against the statute of John of Quincy, even the Tariff, and ye have been en-

treated to resist the same, even though Andrew the King had sworn to enforce all the statutes of the realm.

13. "And ye have been told by certain men, if ye will but take into your hands a cunning device called NULLIFICATION, ye will thereby be enabled to overthrow the power of the King, without peril to your lives or to the realm.

14. "But I say unto you, Men and Brethren, this saying is vain; of a surety Andrew the King will perform the oath which he has sworn; and if ye set at nought the statutes of the realm, Andrew will send a power against ye to enforce obedience.

15. "And ye must then do battle with Andrew, and if ye be subdued, then will ye be put to shame; and if ye gain the victory, then will ye have stained your raiment with the blood of brethren, and ye will have rent in twain the realm, and ye must make to yourselves another King.

16. "These, Men and Brethren, are the fruits of NULLIFICATION; and they were made manifest when Daniel and Edward broke the same in pieces, and held it up before the people, and those who made the cunning device have repented them of their work, and will peradventure confess the error of their ways."

17. And when William had thus spoken, the people shouted aloud with a great shout, and the Great Hall shook thereat; and the cloth of stripes and stars which had been placed before William was blown aside, and the graven image, Nullification, stood manifest before all the people.

18. Then William turned his eyes upward toward Heaven, and he saw the graven image which had been set up on the high place, and he was greatly wroth, and he took in his hand the broad banner which had been used to conceal it.

19. And he waved the banner and cried aloud, "Behold, men of Charleston, the graven image Nullification has been again set up to deceive you; the idolaters have not repented of their evil ways, and they yet bow down before strange gods.

20. "Wherefore let us arise and declare before all the world that this our banner shall no more give shelter to the offspring of the Sorcerer, but shall "ever wave, with undiminished lustre, over free, sovereign, and UNITED STATES."

21. And the people arose with one accord and did as William counselled; and instantly the graven image fell from the place whereon it stood, and passing near the head of Robert the Englishman, struck upon the earth and was broken into fragments.

22. And Robert was stunned but not crushed, and from that day he went about the city like one possessed of a Devil, and many believed that Nullification had entered his brain.

23. But the people who were gathered together at the feast, were greatly wroth when they saw how Nullification had been set up before

them, and they began to turn their eyes upon Robert the Nullifier, for they grievously suspected him.

24. Then Robert the Nullifier stood forth and said, "Of a surety O men of Charleston, I repose not on a 'Bed of Roses,' for I am '*but as a messenger of defeat and disaster*;' and although William had spoken to you of the evil which I have sustained at the hands of Daniel, and of the man of Louisiana,

25. "Yet, O friends! I have suffered and been humbled in the cause of '*State Rights*,' and although our enemies have told ye that we bowed down before Nullification, and that we have here set up the graven image to be worshiped by you all, yet I beseech ye, put no faith in their words:

26. "For I swear unto you that the Nullification to which we bowed down, is not that which hath been crushed here before you, but it is the same Nullification which was set up in the distant country called Kentucky, by Thomas, whom ye all know, and who is surnamed Jefferson.

27. "Wherefore, O men of Charleston, be not wroth with me, for the work which was done by Thomas, for I am but an humble follower of his path; and if Nullification be evil in your sight, visit not the sin thereof upon my head."

28. And Robert the Nullifier said many words to the people, to blind their eyes to the error of his ways, and they held their peace, but their hearts were kindled against him, for they saw manifestly, that though his courage failed him, yet he repented not.

29. And they treasured up his words in their remembrance for a future day of reckoning, when he should be called to account for his stewardship.

30. And they were yet the more angry with Robert, because he laid his own sins at the door of Thomas, surnamed Jefferson, for the people knew that Thomas was a man without guile, and would not bow down before any Graven Image.

Chapter VI.

1. Now it came to pass that while the people hearkened to the speech of Robert the Nullifier, James, who is called the "Deluded," caused certain men privily to gather together the fragments of the graven image Nullification.

2. And he sent the same to John the Conjuror, to be set together again by the power of his sorceries and enchantments; and he also sent messengers to John, to beseech him to hide the graven image until the hour should come when it could be elevated in the place that is called Convention.

3. For that the men of Charleston were greatly wroth against Nullification, and would not bow down before it; but he trusted that they

might be made to believe that CONVENTION was a good thing and worthy of all praise.

4. So when Robert the Nullifier had seated himself again amongst the people at the great feast, James the "Deluded" sought to withdraw the eyes of men from the ruin which had overtaken *Nullification*, and he arose, and with a great shout uttered praises to the name of William the Just, and to the other counsellors of the South.

5. And the people with one accord joined in the shout, for their hearts overflowed with love towards William the Just, and towards a certain other William, who was a Senator from the provinces of the South.

6. And these were the counsellors to whose names the people gave praises, but the deeds of Robert the Nullifier were set apart in their hearts for the day of reckoning.

7. Then Langdon arose and spake in a loud voice to all the elders, and the rulers, and the wise men, and the people who were gathered together at the feast, and said:

8. "Ye men of Charleston! behold, I have pitched my tent amongst you, for I heard when I was afar off, that ye were afflicted, and that ye mourned in sackcloth and ashes over the Tariff of John of Quincy.

9. "And lo! I have come amongst you in this your day of tribulation, to give unto you succor and consolation. For verily ye are bowed down to the earth with grievous oppression.

10. "And the land wherein ye dwell is but as a '*Colony*' to the realm, and ye bear on your necks a yoke of bondage, weightier than that wherewith ye were oppressed in the days which are passed, when George the King, beyond the great waters, had dominion over you.

11. "Behold, your fields yield abundantly the fruits of the earth, yet ye prosper not, neither do ye flourish; for that which ye pay in tribute draineth you of your substance.

12. "Moreover, when ye complain, your voice is as the voice of babes and sucklings, the counsellors of the King hearken not thereunto, neither do they yield unto you respect. Ye have cried unto them for succor, but to your prayers have they turned a deaf ear.

13. "Wherefore, O men of Charleston! call no more upon Andrew the King, nor upon his counsellors, but call ye upon those who have the like feelings, and the like passions with yourselves, even upon the men of the South.

14. "And the men of the South will hearken unto your voice, and they will join with you to resist the men of the North; and then will ye compel Andrew the King to give way to your prayers.

15. "Peradventure it shall come to pass, that Andrew the King will send a power against you to enforce the statutes of the realm, and ye may do battle with him, and thereby ye may be brought to rend in twain the provinces of his Kingdom:

16. "But be not dismayed, for I say unto you, the evils which ye suffer are '*not to be borne*,' and they '*ought to be resisted at* ANY AND EVERY HAZARD.'"

17. Now when Langdon had ceased speaking, the people marveled greatly at his words, seeing that he had been an indweller for many years among those of whom he now spake bitterly, and had not, during all that time, opened his mouth to convince them of the error of their ways.

18. And they were yet the more astonished at his speech wherein he said, that he had come amongst them to share their sorrows; for they saw that he lived upon the fat of the land, and that the lords and the princes of the city offered unto him daily sumptuous feasts, and that he partook thereof.

19. And they were confounded at his words, so they held their peace, and waited patiently to see what time would bring forth.

20. Now when James, who is called *the "Deluded,"* perceived that Langdon had said not a word giving praise to NULLIFICATION, or to its abiding place CONVENTION, he began to fear lest the heart of Langdon was in secret turned against the followers of John the Conjuror, and that he would not bow down before the work of John's hands.

21. And James became sorrowful thereat, and his spirit sank within him. But a certain Richard called upon him in a loud voice before all the people, and declared that he, James, should be made a Governor to rule over them, and the words of Richard gave comfort to his soul.

22. Now Richard was a man of great riches, but his stores of knowledge were not abundant; and he desired greatly to be made a ruler and a Senator over the province called Carolina, and he believed that James the Deluded had great power, and could minister unto his desire, and he became a faithful follower of James.

23. Then James the Deluded opened his mouth and said, "Verily, O men of Charleston, I give thanks unto you all, and more especially unto Richard (whose name shall dwell in my remembrance) for the favor ye have this day shown forth in setting me up to be made chief Governor over this province.

24. "Ye all know that in the days which are past I (James) did join with the counsellors of the North in ordaining statutes which you now declare do bow you to the dust, and which despoil you of your substance.

25. "But when it was made manifest that the path which I pursued would lead me far from your favor, and that ye would take from me all power and honor, I saw the error of my ways and turned from the weaker to the stronger side.

26. "And, rather than suffer for conscience sake, I confessed unto you my sins, and declared that I had been under '*a natural delusion*,' to which my eyes are now open.

27. "And I will now pronounce openly before you all '*the creed*' in which I now believe, and ye shall see that I am strong in faith.

28. "I believe the Tariff of him called Mallary to be a palpable, deliberate and dangerous violation of the ordinances of the realm, and that it is a device of cunning men to despoil you of the fruits of your labor.

29. "I believe that ye are oppressed and ruined by the statutes which have been ordained by the great council of Andrew the King, and that desolation will soon cover your land, even as the waters do the great deep.

30. "And I say unto you, O men of Charleston, that ye may cry aloud for relief, but ye shall find none at the hands of the Yankees, your enemies; wherefore, arise at once, and stand forth in your might: ye 'ought and MUST RESIST.'

31. "Peradventure some of you shall say how can we resist without doing battle with Andrew the King, who hath sworn before Heaven to enforce the ordinances of the realm.

32. "But I say unto you, fear nothing; and if Andrew the King shall do that which he hath sworn, upon his head be the blood which shall be spilt—for it is his fault, and not ours.

33. "And if he send forth a power to enforce the statutes of the realm, assuredly his reign will be a '*Sanguinary Despotism*,' against which our fathers have taught us to rebel.

34. "And we will defend ourselves with our own right arm, and in the heat of strife we shall spill blood, or rend asunder the realm; of a surety this is not 'DISUNION OR CIVIL WAR,' but it is that which is called GLORIOUS REVOLUTION."

35. Then all the people were astonished at the words of James, and they arose with one accord to cast him out; but when they came near unto him they saw manifestly that he was still under "*a natural delusion*," and they had compassion on him.

36. For behold his eyes shot forth a lurid glare, and a thick vapor descended from his nostrils, and, passing upwards before his eyes, caused him to see as through a glass—darkly.

37. And it was now made manifest to all the people that James, the son of James, saw not as other men saw, and that all things were visible to him through a false medium, and they all cried aloud, "Of a surety this man is well called 'THE DELUDED.'"

38. And the elders, and the wise men, and the counsellors of the South, now remembered the words which Thomas, of Winyaw, had spoken in the days that were past; and they feared in their hearts that the fulfilment thereof was at hand, and they secretly resolved to set their faces against "THE DELUDED" and his followers.

39. And they saw manifestly that the heart of James was hardened, and that Robert the Nullifier had conspired together with him, and they feared greatly lest Langdon was given over to them, but they all held their peace.

Chapter VII.

1. Then a certain man from the multitude, a faithful follower of James "*the Deluded*," arose, and called aloud upon Robert, who is surnamed *the Englishman.*

2. And he gave praises to the name of Robert, and because his brain had become disordered by the evil spirit, Nullification, and by the enchantments of John the Conjuror, he likened Robert unto a certain madman, who dwelt among the Gentiles in the days which are past, whose name was called Brutus.

3. And Robert, the Englishman, rejoiced to hear the sound of his praise, even from the mouth of an humble follower, and he arose from the earth, and gnashed his teeth, and grinned horribly, and shouted aloud.

4. Now, when William the Just and his companions saw how that one possessed of the evil spirit, Nullification, prepared to speak to the multitude, and how that James, "*the Deluded*," and Robert, who was called "*the Nullifier*," and all their followers made ready to hearken unto him,

5. They were greatly astonished, and they said unto one another, "Is not this man the same Robert who is called the Englishman, and who hath long hated, in his heart, Thomas, who is surnamed Jefferson, and all his house?

6. "And is not this he who reviled and spake despitefully against our rulers, and who sought to make us bend beneath the yoke of the King, beyond the great waters, who had taken from us sailors, and who despoiled us of our ships and our merchandise upon the great deep?

7. "And is this not he who laughed to scorn our strength, and who made a jest, and a bye-word, of the power which we sent forth against our enemies, and who '*turned pale*,' at the glad tidings of the battle which Andrew, the King, had gained over them on the great River?

8. "And is he now a counsellor and a ruler over us, that we should hearken unto him? Shall we sit beneath the outpouring of his words; verily, can a man touch pitch and not be defiled?"

9. So William, the Just, and all his followers, arose, with one accord and departed from the presence of Robert, and from the feast, and every man went to his own home.

10. But Robert, the Englishman, shouted yet the more loudly, and the shouts were echoed back by the walls of the great hall, and Robert believed that the echoes were new shouts from the people and his heart was made glad, for the sound was new to his ears.

11. Then opened he his mouth, and said, "Ye men of Charleston! unto you I render thanksgiving for the shoutings wherewith you have greeted me, and I rejoice that ye have likened me to him of the Gentiles, who is called Brutus.

12. "But think not, O friends, that I am mad now, for I say unto you, my heart is changed within me, and I love Thomas, who is called Jeffer-

son, with the same love wherewith ye have loved him, and I am not a stranger, but a native of the land wherein ye all dwell.

13. "And I am 'THE MIRROR' wherein ye may see reflected '*the principles*' of Thomas; and I have placed them anew 'before the admiring eyes of his disciples;' and I have 'illustrated their truth;' and, behold, I have awaked from 'A NATURAL DELUSION,' like James, the son of James.

14. "But ye are not to believe that I am ashamed to be called 'the Englishman;' for even as De Kalb is dear to the German, and as 'the sons of the Shamrock' give honor to him called Montgomery, even so panteth my heart after the Island across the great waters.

15. "And now, men and brethren, care not ye for these things, but turn your eyes to the desolation of the land, whereof ye have heard so much this day, and behold, at once, ye may see the ruin, wherewith the ordinances of the King's council have overwhelmed you.

16. "Wherefore, tarry ye no longer, but arise, buckle on your armor, and smite your oppressors; be ye 'prepared for the worst, whether it be DANGER, DEATH OR DISUNION.'"

17. And when Robert had said the word "DISUNION" (which is NULLIFICATION interpreted), his brain became dizzy, for he had thereby invoked the evil spirit, and he was given over to the power of its enchantments.

18. And he turned around to the right hand, and to the left, and he gnashed his teeth, and shouted aloud: "Tremble not, ye men of the South; TREMBLE NOT AT THE WORD DISUNION."

19. Then Robert was overcome by the power of the evil spirit, which he had again invoked, and he fell backwards upon the earth, and NULLIFICATION had dominion over him, and he was reserved as a burnt offering for the day of CONVENTION; and from that hour his name became changed, and he was called "THE DISUNIONIST."

20. Now the people marveled greatly, when they heard praises to the name of Thomas, surnamed Jefferson, from the lips of Robert, and how that Robert had called himself "THE MIRROR" of him whom, in days past, he had grievously reviled and persecuted.

21. But it was now made manifest that Robert, the "Disunionist," was but a painted sepulchre, and that he sought to beguile the people with the name of Thomas, and to persuade them that he was "*a disciple*" of the true faith.

22. Now, it came to pass, that when Henry, the chief priest of Mercury, saw all that had been done, and how that the followers of James *the Deluded*, and of Robert, *the Nullifier*, tarried at the feast and were waxing warm from the wine which was set before them,

23. He thought, in his heart, that the hour was surely come wherein *without much peril*, he could stand forth as a great champion, and claim to himself the name of a bold and valiant warrior.

24. So Henry arose and cried aloud against the statute called the Tariff, and against the counsellors who had ordained it, and against all the rulers of the land.

25. And he opened his mouth and said, "O men of the South! of a surety 'your degradation is abject;' and the words which ye have this day heard from the mouth of James, and of Robert, are the words of truth.

26. "Your enemies, the Yankees, have encompassed you round about, and will destroy you; wherefore, ye must straightway arise, and go forth to meet them.

27. "And if you will hearken unto my voice, verily I say unto you, UNFURL AT ONCE THE BANNER OF THE STATE."

28. And when Henry, the High Priest, had thus spoken, all his followers shouted aloud, for they rejoiced greatly that he was now ready to buckle on his armor, and that no man could again gainsay his valor.

29. Now when all the rulers, and the elders, and the counsellors at the feast, had declared the whole counsel which they had devised, it came to pass that their disciples and followers, began to give loose to the feelings within them.

30. And they made a great clamor; for they were inflamed with the wine which had been set before them, and with the words which they had heard.

31. And some uttered curses against the men of the North, called Yankees—and some called them leeches, and threatened them with poison; and many spake of chains, and of shackles, and of ruin, and of desolation.

32. And one cried aloud, "DISUNION, OUR ONLY PRESERVATION;" and another spake of "A REPUBLIC SOUTH OF THE POTOMAC," and a third called for "*action, action, action.*"

33. And they all shouted aloud—and they continued eating and drinking until the eleventh hour of the night; and as many as had strength to do so, departed to their own homes.

34. But when the people heard of all that had come to pass, they were greatly wroth against James the Deluded, and Robert the Nullifier, and the other rulers and counsellors—and they looked upon them as stumbling blocks in the path of those to whom they should have been as burning lamps.

35. And they treasured all these things in their remembrance for a day of reckoning, when they should all give an account of the deeds that were done at the FEAST OF NULLIFICATION.

CHAPTER VIII.

1. Now when the Feast of Nullification was ended, it came to pass that the fragments of the graven image, called Nullification, which James, the "*Deluded,*" had sent away, were safely delivered into the hands of John, the Conjuror.

2. And John, by his sorceries and enchantment, put them together again, and he caused the graven image to be put into a mould of clay, and

he cast from the mould many likenesses thereof, and sent the likenesses over all the land, but the graven image itself, he reserved to be set up in a place called CONVENTION.

3. And one of the liknesses of the graven image was set up before the men of Coosawhatchie, and another was seen upon a certain island, called Edisto, and yet another was placed on high, in a certain village called Stateburg.

4. And much people of the land of Coosawhatchie, and of the island, called Edisto, and from the village, that is on the high hills, came up to see the likenesses; and they heard tidings of their great power, and they bowed down to them, and worshiped them.

5. Then John, the Conjuror, gave the graven image, which is called NULLIFICATION, into the hands of George, the Prophet, and commanded George to set it up for time in the land of Edgefield, and of Abbeville; and George the Prophet did even as he had commanded, and he uttered loud praises to its name.

6. Now, when William the Just, and certain others of the righteous, heard all these things, they sent messengers, with letters, to all their followers, and they called upon the people to forsake the strange gods, and they told them all the evil fruits which Nullification would bring forth.

7. And throughout all the land the people began to commune, one with another, and they saw made manifest the error of their ways, and they resolved with one accord to forsake the worship of Nullification.

8. Then John the Conjuror became sorely troubled, for he saw that the hearts of the people were turned against him, and he was grievously afraid lest his soceries and enchantments should all be made manifest.

9. So he called together unto him the powers of darkness, over whom he had dominion, and he commanded them to move over the whole face of the South, and to seek out the graven image NULLIFICATION, and all the likenesses thereof.

10. And he commanded them to gather them altogether, and to chain them with a great chain around their necks, and to hide them from the sight of the people until the hour wherein they should assemble in CONVENTION.

11. So the evil spirits did even as John had commanded, and NULLIFICATION was no more seen upon the earth.

12. Then John the Conjuror sent messengers to James the Deluded, and to his other followers, giving tidings of what he had done, and beseeching them no longer to give praises to the name of NULLIFICATION, but instead thereof to fill their ears with the sound of CONVENTION.

13. And he assured them that CONVENTION would seem beauteous to the sight of the people, and that they would gladly hear tidings of the good things which could be wrought at his hands.

14. Then James the Deluded, and Robert the Nullifier, and Henry the High Priest, and Robert, who is also called the Disunionist, did even as

John had entreated; and they sought to beguile the people with the praises of CONVENTION.

15. But when the men of Charleston had shut themselves in their closets, and had meditated upon all which had come to pass at the *Feast of Nullification*, and when they had seen the other signs of the times, their souls were disquieted.

16. And many of them began to be sorely troubled, and they rent their garments, and they mourned in sackcloth and ashes the evil days which were come upon them.

17. And they feared lest the rulers and the chief men of the city had conspired together with James, who is called the Deluded, and with John the Conjuror, and with Robert the Nullifier, against William the Just, and all his people, to deliver them into the hands of *Nullification*.

18. And they said one to another, "Verily the shepherds have taken counsel together, to lead the sheep to the slaughter; but our trust is in the Lord, and we will seek other shepherds who will turn away the wolves, and, peradventure, we shall find them."

19. So they hearkened not unto the words of Robert, and of James, and of Henry, for they knew that these men purposed evil in their hearts; and it was made manifest that *Convention* was the tabernacle and the abiding place of *Nullification*.

20. Now, when James the Deluded saw that many of the men of Charleston would not hearken unto him, he began to wax wroth, and he called together his followers; and when he saw that these were many, he hardened his heart and became puffed up.

21. And he commanded the people who had murmured against him straightway to yield obedience, and to go up before Henry the High Priest, and to accept his sacrifice, and to bow before him, as a ruler over the city.

22. Then the hearts of the people became kindled, and they resolved to do battle with James, who is called the Deluded, and with all his followers, and to drive from before them Henry the High Priest and his evil counsellors.

23. And they took counsel together to set up a captain who should lead their array into battle, and they pitched upon James, whom men call *the Courteous*.

24. Now James was a man who feared the Lord and walked in the path of righteousness, and he found favor in the sight of Andrew the King over the realm.

25. And Andrew the King appointed him to gather the revenues of the kingdom; and he dealt justly by Andrew and the people.

26. And the people also loved James the Courteous, for he was fearless in well doing; and when they entreated him to be captain of their host, he meekly besought them to choose another captain more skillful to guide their counsels.

27. But they entreated him yet more earnestly, and they showed unto him the snares with which they were encompassed round about; and they called aloud upon James to stand forth as the shield and buckler of the good cause.

28. And they made manifest unto him the perils which overshadowed the realm, and he saw that of a surety the dominions of Andrew the King were about to be rent in twain, and that *Disunion and Civil War* were not afar off.

29. So James, whom men call the Courteous, arose, and he buckled on his armor and stood forth as captain of the host, and he led up to do battle with the idolaters.

30. And he displayed on high the "Banner of the Nation," "with its Stripes and its Stars," and upon the banner was a superscription, embroidered in characters of gold, "*State Rights and the Union.*"

31. And all the people who believed in the true faith, and who loved Andrew the King, and who eschewed *Nullification* and the evil doers, gathered together and marched beneath the banner.

32. Now when James, who is called the Deluded, and Robert the Nullifier saw that the followers of the true faith had set up a captain for themselves, and had stood forth to do battle with all the worshipers of strange gods,

33. They bethought them that Henry the High Prest had dominion over the minds of the people by reason of "*his Grandfather,*" and by reason of the daily sacrifice which he offered up unto "*Mercury,*" the god of the evil speakers, and which the people received at his hands.

34. So they made Henry the High Priest the captain of their host, and appointed him to do battle with James, the captain of the host of "*Union.*"

35. And they uplifted their banner, and behold the device thereof was a tiger, tearing the limbs of a youth asunder from his body, and a *vulture* was stooping to divide the prey, and beneath the whole was an inscription, stained with blood which seemed to flow from the body of the youth.

36. And they who stood beneath the banner could not read the inscription, but to those a little removed it displayed in characters of English the words "*Disunion and Civil War.*"

Chapter IX.

1. Now, when the banners of the hosts were uplifted, it came to pass that the trumpets sounded, and the men of Charleston put themselves in array against each other beneath the captains whom they had chosen.

2. And the host which bore aloft the banner of "The Union" was led by James, who is called *the Courteous*, and Henry the High Priest was captain of the host of "Disunion."

3. And when they drew near to each other, Henry the High Preist offered up his daily sacrifice to the strange god called Mercury, and he distributed the sheets of paper amongst all the multitude.

4. And upon the sheets were written revilings and slanders against the rulers of the realm, and against James the Courteous, and scoffings and bitter sneers at all the host which followed the banner of "THE UNION."

5. And the followers of Henry read the writings, and they found favor in their sight, and they shouted for joy.

6. But when the host of "THE UNION" came near unto their adversaries, James, the captain of the host, commanded them to pause, and he opened his mouth and spake unto his followers, and said:

7. "Men and brethren! behold the idolaters and evil workers have set up a captain to lead them up to battle with you, and to slay all who are faithful to Andrew the King, and who strive for the peace and unity of the realm.

8. "And lo! they have uplifted a banner, which is terrible to the sight, and they trust to smite your hearts with fear; behold, they liken you and the people of the whole realm to the youth from whose body they will tear the limbs.

9. "And they are the ferocious beast, even the tiger, which shall deliver you as a prey to the vulture; and verily the inscription is just, for of a surety their banner leadeth to DISUNION AND CIVIL WAR.

10. "Yet fear not, O men of Charleston! but put your trust in the Lord, and he will deliver your enemies into your hands that ye may smite and utterly destroy them.

11. "But be ye not over zealous, for behold the multitude which Henry the High Priest hath gathered together are your countrymen, and, peradventure, many just men amongst them have been beguiled by the snares of James, who is called *the Deluded*, and the great Nullifier.

12. "Wherefore, before ye smite them, let us send unto them messengers, who shall bear with them the olive branch of peace, and it may come to pass that we shall yet live together in unity and concord."

13. Then all the host of James *the Courteous* hearkened unto his voice, and they kneeled before Heaven, and they earnestly prayed that strifes should cease between brethren, and they besought a blessing on the righteous cause; and they arose, and their hearts were strengthened.

14. And James, who is called *the Courteous*, did even as he had said, and he sent up messengers unto the host of Henry the High Priest; and when the messengers were brought before Henry, and before all the leaders and captains of his host, they opened their mouths and said:

15. "O men of Charleston! ye are our brethren; verily, we have eaten and drunk together in the days past, and we have loved one another; wherefore, let us not spill each other's blood in the strife of battle, but rather let us mingle together in peace.

16. "Behold, we may yet appease the enmity between us. Let us put off armor, and let us gather together all the elders, and counsellors, and wise men, and people of the city, and let them take counsel together, and let them declare which is the more worthy to rule over us, thy captain or our captain.

17. "And if the greater number of the elders, and of the counsellors, and of the wise men, and of all the people, shall say that Henry the High Priest is more worthy than James, then let Henry be made the ruler over us, and we will bow before him.

18. "But if the greater number shall declare in favor of James, our captain, then shall ye overturn your banner and forsake your strange gods and render obedience unto James and to the statutes of the realm."

19. And when the messengers had thus spoken, it came to pass that Henry the High Priest, and the leaders, and captains, and officers of his host, took counsel together to devise what answer they should make unto the messengers of the host of "THE UNION:"

20. And James, who is called *the Deluded*, looked forth upon the multitude which was gathered beneath the banner of "DISUNION," and when he saw their numbers his heart was filled with pride, and he said unto the captains and leaders who stood around him:

21. "Behold! our enemies have delivered themselves into our hands; see ye not that our host greatly exceedest in number the host which hath come up against us—lo! their array is scattered and their battalions are but few.

22. "Wherefore let us straightway render answer unto the messengers of James, our adversary, and say that their words are acceptable to our ears, and have found favor, and that we have agreed to that which they have set forth."

23. So Henry, the captain of the host of Disunion, did even as James, *the Deluded*, had counselled, and the messengers returned to James, the Courteous, who had sent them; and all the multitude of the one host and of the other, put off their armor and made themselves ready for the day of gathering.

24. And in the ninth month of the second year of the reign of Andrew, the King, and on the sixth day of the month, the elders and the counsellors and the wise men and all the people of the city, were commanded to gather together to judge between Henry and James, even as it had been agreed between them.

25. And the day whereon they were commanded to assemble, is called the day of election.

26. Now, when the day of election was near at hand, James, who is called *the Deluded*, sent forth spies over all the city privily to hear all that was said amongst the people, and to bring to them tidings of all those in whose sight Henry, the High Priest, had found favor.

27. And when the spies had brought their tidings, the chief leaders in the host of Henry, the High Priest, sent forth men with shekels of gold and shekels of silver, to wager the same, that Henry would be made ruler over the city.

28. And a certain man of small stature put forth five thousand shekles of silver; and many weak men were led over to become followers of the host which was made to seem the stronger.

29. And they also caused the young and the unthinking to be gathered together at the feast throughout the city, and when they became heated with drinking, they kindled their hearts against James, the *Courteous.*

30. Now Henry, the High Priest, was himself not slack in his own behalf—for day by day he offered unto the people hundreds and thousands of the sheets which had been sacrificed at his altar; and the sheets were filled with praises to himself, and with slanders against James the *Courteous.*

31. And James was reviled as a *Publican* and a Sinner, and his followers were called Tories and Yankees, and they were said to be in league with the enemies of the South.

32. And John, the Conjuror, sent to the aid of Henry, the High Priest, a certain devil called Asmodeus, who went about the city taking off the coverings of the dwellings, and exposing the inmates thereof.

33. But when Asmodeus saw that James, who is called the *Deluded,* was the chief counsellor of Henry, the High Priest, he returned unto John, the Conjuror, saying that Henry, the High Priest, had no occasion for him.

34. And it came to pass that the followers of James, surnamed the *Courteous,* began to be sorely troubled when they saw all that James, *the Deluded,* had done, and when they heard the boastings and the clamor of their adversaries.

35. So they assembled together at a place called *Seyle's,* and they pitched upon certain men who should guide their counsels, and called aloud upon their countrymen to stand forth on the day of election as the shield and buckler of union and peace.

36. And when they had taken counsel together and had seen the multitude of just men who had assembled with them, their hearts were strengthened, and they went forth confiding in the might of the Lord.

37. Now when the day of election was come it came to pass that the elders, and the counsellors, and the wise men, and all the people of the city, were gathered together, and it was commanded that each man should put into certain boxes of wood the name of him who desired to rule over the city.

38. And certain of the elders had charge of the boxes, and were commanded to open them, and to number the names which were placed within; and they all did even as they were commanded.

39. Now James, *the Deluded,* trusted in the spies whom he had sent forth, and in all the arts which he had used, and he boasted aloud that victory certainly belonged to Henry the High Priest.

40. And he commanded the great feast to be prepared and made ready the cornets, the flutes, the harps, the sackbuts, the psalteries, and all kinds of music.

41. And when all the names which were in the boxes should be counted he commanded that a note of triumph should be sounded, and that all

his followers should march to the sound of the music to the dwelling of Henry, the High Priest, to partake of the feast.

42. Now so great was the multitude of names which had been put in the boxes of wood, that it was the twelfth hour of the night before the whole were numbered; and when the elders had finished, behold the numbers of James, the Courteous, was greater than those of Henry, the High Priest.

43. So the elders declared that James, whom the men called the *Courteous*, was chosen ruler of the city; and the people of the host of the Union gave thanksgiving to the Lord and returned every man to his own home.

44. But when James, the *Deluded*, heard what had come to pass, he went out and lifted up his voice and WEPT ALOUD.

CHAPTER X.

1. Now on the morrow, after the day of election, it came to pass, that the elders conducted James, who is called the *Courteous*, to the great hall of the city, and they arrayed him in the robes of office, and all the people shouted for the good cause of "*State Rights and Union.*"

2. But when James, surnamed the Deluded, and Robert, the Nullifier, and Henry, the High Priest, opened their eyes upon the discomfiture which they had received, they shed tears of bitterness, and they rent their garments.

3. And they swore vengeance against James the Courteous, and against all who had followed his banner, and they refused to overturn their own banner, or to fulfil the treaty which had been made between the hosts of "*Union*" and of "*Disunion.*"

4. Then they took secret counsel together how they should overcome the followers of "*State Rights and the Union*"; and they remembered the words of John the Conjuror, wherein he besought them to sound praises in the name of *Convention.*

5. So they strove, with one accord, to beguile the people to put their trust in *Convention*, so that they might be enabled to bring forth *Nullification* again, to slay, utterly, all those who had set their faces against them.

6. And they wrestled earnestly to enkindle the hearts of all their followers against the men of "*the Union*"; and they sent forth multitudes into the streets of the city in the night time to strike terror into the breasts of the peaceful.

7. And they went forth into the highways uttering threats and revilings against all their adversaries; but the men of "*the Union*" pitied them and held their peace.

8. Then the heart of James sunk within him, and he feared lest the people should refuse to make him chief governor over the province, and he began to see the error of his ways, but he repented not.

9. For he was filled with pride, and when he looked upon his followers, and saw they were yet many, he hardened his heart and resolved again to lift up the banner on which is written the inscription, "*Disunion and Civil War.*"

10. And he commanded to be made ready a great supper, and he sent forth messengers to call thereunto Henry the High Priest, and Robert the Nullifier, and to "*rally*" all the multitude which had gathered beneath the banner of *Disunion.*

11. And there was a certain man named KEATING, who dwelt in the city, and he was a just man and walked uprightly.

12. And Keating was old and stricken in years, and his eyes were dim, so that he could not see with clearness; and he mistook his path and went with the followers of James, the Deluded, to the great supper.

13. And when James the Deluded, and Robert the Nullifier, and Henry the High Priest, and Keating, and all the multitude were gathered together, they set themselves down, and as many as could find meat did eat thereof.

14. Then James, who is called the Deluded, arose and said: "Verily, O, friends, 'we will yield to no party whatsoever' in the love which we bear towards the ordinances and the union of the realm.

15. "And '*we pity the delusion*' which hath blinded the eyes of our enemies, to call Robert the Nullifier, and Robert the Disunionist, and ourselves, other than true disciples of Thomas, surnamed Jefferson.

16. "And, verily, we mourn that 'the efforts' of our adversaries have opened the eyes of men, and have brought down upon us an awful discomfiture at the hands of 'miraculous converts.'

17. "Moreover, we mourn that it hath been discovered that we cannot well be called the friend of Andrew the King, since we oppose the statutes which he hath sworn to maintain; and that these our adversaries are, truly, the friends of Andrew.

18. "And, verily, we fear lest the glory hath departed from our house, and lest all the truths which have come to light, will despoil us, your rulers, of our power: Wherefore, let us now turn to the inhabitants of the hill country, and to all without the city, and let us kindle *their* rage against our adversaries.

19. "And we will send unto the 'Parishes and to the interior,' and gently give them tidings of our overthrow, and we will ascribe our discomfiture to any cause but the true one.

20. "And the men of the 'interior' will stand by us, and they will make me Governor of the realm, and I will then revenge you on your enemies."

21. Then some of the multitude shouted, and gave assent to that which had been spoken; and James wrote the letters, and sent them even as he proposed.

22. But when he sat down at the supper, and looked around, carefully, and saw that many who were present were boys and beardless youths,

and when he perceived the faces of many of his ancient friends, his spirit sank within him, and he became sorrowful.

23. And his followers feared that their hour had come, and they took no pleasure in the supper; so they returned to their homes, disconsolate and unhappy.

24. And the supper was named the Supper of Disappointment.

25. Now in those days there came tidings that there was a famine in an island beyond the great waters, called Ireland.

26. And many of the men of Ireland dwelt in the city, and the people had respect unto them, and for their sakes desired to send succor to their countrymen, and the rulers of the city commanded to be assembled the elders, and the wise men, and all the people, to take counsel together.

27. And when James, who is called the Deluded, heard all these things, he shook off his sorrows, and bethought him that the hour was come wherein he might surely draw to his banner all the men of Ireland who dwelt in the city.

28. So he sent for Henry the High Priest, and certain others of his followers, and entreated them speedily to come up and make a stir in behalf of the land of Ireland, before the rulers, and the elders, and the wise men, could gather the people together.

29. And Henry and his followers did even as James the Deluded had entreated, but the men of Ireland saw into the hearts of Henry and of James, and they knew that they sought to beguile them, and they turned aside and were greatly wroth.

30. But James the Deluded was nothing abashed; so he stood forth again at the assembly of the rulers, and the elders, and the wise men, and the people of the city.

31. And he strove to seem *learned*, and he spoke unto the men of Ireland, of the length and breadth of their country, and of the fertileness of the soil, and of many other things which are written in the book which is called *Rees' Cyclopœdia.*

32. And he gave praises to the men of Ireland, and said he was their kinsman, and he spoke of his *Grandmother*, and how that she had come from the same land with themselves, but the praises of James the Deluded were to the men of Ireland as burning sulphur beneath their nostrils.

33. And it came to pass that Robert, whose name is called the Disunionist, was in the midst of the assembly, and he bethought him that it would be well to speak to all the people the praises which John the Conjuror had sounded to *Convention.*

34. So he uplifted his voice; and when he had spoken the word, and the people saw that he was the Disunionist, they refused to hearken unto him and they thurst him under their feet, and with one accord they departed, every man to his own home.

35. And about the same time there also came tidings of a great revolution in the kingdom called France; and the men of France who dwelt in the city assembled together to make rejoicings.

36. And James, the Deluded, was also in the midst of them seeking to draw followers after him; and he said unto the men of France that he was their kinsman, for he had another "*Grandmother*" who had come of their nation.

37. But the men of France were wise, and they saw through the arts of James, the Deluded, and they passed him by in silence, and they joined themselves to the host of "*State Rights and the Union.*"

38. So James, who is called the Deluded, was discomforted on every side and his soul was disheartened, and he now saw the error of his ways, but he would not yet repent.

39. Now when the letters which had been sent forth by James the Deluded, at the "Supper of Disappointment," had reached Columbia, it came to pass that all his friends who dwelt in that city were greatly enraged against the men of Charleston.

40. And they called the men of Charleston "Recreants and Yankees, and Men of Clay," and they gathered together all the followers of John the Conjuror, and of James the Deluded, and of Robert the Nullifier, at the city called Columbia.

41. And they took counsel together what they should do, to save James the Deluded and Robert the Nullifier, and their followers, who dwelt in Charleston, from utter discomfiture.

42. And they sounded forth praises to *Convention*, even as John the Conjuror had counselled, and they set it up as a "Sovereign Remedy" for all the evils under which they said the people groaned.

43. And they cried aloud against the tariff and against the other statutes of the realm, and they "put off their allegiance" to Andrew the King, and they denounced the men of Charleston and all the adversaries of *Convention.*

44. And they summoned up a great army from all the country round about, and a great multitude came up, even two thousand men.

45. And in the midst of the friends of James the Deluded, and of John the Conjuror, and of Robert the Nullifier, stood a certain man named Thomas; and he was the wise man to whose care was entrusted the youth of the realm, and he was at the head of what is called "*The College.*"

46. Now Thomas, from his youth upwards, had been a lover of discord and a fomenter of strife, and his heart took delight in scoffings and slanders, and some called him "*Thersites.*"

47. And dissensions and controversies were his study by day and revilings and back-biting were his meditation by night; and he smiled at the ruin which evil passions brought down.

48. And he openly set at naught the statutes of the realm, and he taught that what men call "*The Union*" was but an "*unequal bargain*" to the people of the South, and that the hour was come "*to calculate its value.*"

49. And he poisoned the minds of the youth throughout all the realm, and he insinuated doubts even as to the commandments of the Most High, and he instilled into their hearts hatred and rancour towards "*the Union of the States.*"

50. Now the same Thomas sounded praises to *Convention*, and he counselled the people to rejoice in it; for that it was powerful to save them from the evils whereof James, the Deluded, and Robert, the Nullifier, and Langdon and all their followers had complained.

51. And he said by the might of a *Convention* they could suspend the ordinance which is called *habeas corpus*, and then they should have power over all the men of the Union to cast them in prison and to slay them utterly.

52. And Thomas said many other things to beguile the people to their own destruction, and many good men believed that he proved himself a viper to the land which warmed him.

53. But the multitude hearkened to his voice, for he was held up as "*an apostle*" by James, the Deluded, and by John, the Conjuror, and by all their counsellors and friends.

54. Then a certain ruler called James, who was a *Chancellor* of the realm, and a leader in the host of James the Deluded, arose, and being a careless man, he forgot the counsel of John the Conjuror, wherein he entreated that none of his followers should yet say aught of Nullification.

55. And he opened his mouth, and gave honor to the name of Convention, and he spake these words and said, "*Convention for any purpose but Nullification is unmeaning fallacy.*"

56. So it was made manifest to all the people that James the Deluded, and Henry the High Priest, and Robert the Nullifier, and all their followers, still worshiped in secret the graven image *Nullification*, and that for *its* sake they set their hearts on *Convention.*

57. Then a certain elder and Judge of the Province, whose name was called John, and who was a follower of the truth, arose before all the multitude and said:

58. "Men and Brethren! verily, ye have this day heard praises to the name of *Convention*, but since James the Chancellor hath set forth its object, ye cannot remain in doubt what ye shall do.

59. "Behold! if ye be persuaded to *Convention*, now, ye will bring down *civil strife and disunion*, for how can ye set at naught the statutes which Andrew the King hath sworn to maintain, and yet expect to escape his vengeance?

60. "Is Andrew the King one who quails at danger, or think ye that he will shrink from that which he hath sworn to execute? Verily, no.

61. "Wherefore, Men and Brethren! be not deceived; ye are on the verge of a precipice—your ark of safety is in peril, ye are rushing on to civil strife with brethren, and if ye turn out, ye will quench the flame of freedom in the blood of your countrymen.

62. "Awake, then, and open your eyes to the light; behold you may see before you the dark valley of '*Disunion and Anarchy*;' on this side you have 'time for argument;' beyond all must be action or dishonorable submission.

63. "Now, therefore, I say unto you, depart hence and give no countenance to the evil doers, and strive not by your numbers to intimidate the men of Charleston; for they are strong in the faith, and will eschew *Convention*, for they have seen it leadeth to *Nullification and Disunion*."

64. And while John was yet speaking, the multitude departed as he had counselled; but the devoted followers of James remained in waiting to give encouragement to their leaders.

65. And in that same day *Convention became Nullified*, and all the worshipers of *Nullification* mourned in sackcloth and ashes.

66. Now these are the chapters of the Book of Nullification; and the scribe who hath written them is an humble follower of the Truth, and his name is not great, for it is not found in the book, and he shall be translated hence to a far country, and no man who loveth the truth shall seek to find him out.

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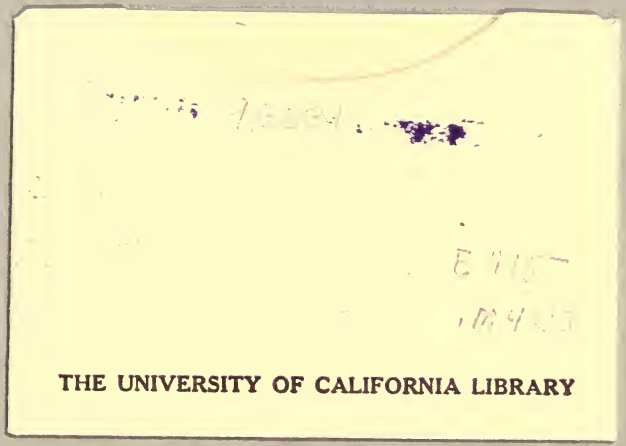
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